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## **Restructuring, Rationalizing and Modernizing Higher Education Sector in the Republic of Moldova**

Turcan, Romeo V.; Bugaian, Larisa

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# Restructuring, Rationalizing and Modernizing Higher Education Sector in the Republic of Moldova



Romeo V. ȚURCAN, Larisa BUGAIAN



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## **Restructuring, Rationalizing and Modernizing Higher Education Sector in the Republic of Moldova**

Editors: Romeo V. ȚURCAN, Larisa BUGAIAN

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# **Restructuring, Rationalizing and Modernizing Higher Education Sector in the Republic of Moldova**

**EDITORS: Romeo V. TURCAN, Larisa BUGAIAN**

[www.euniam.aau.dk](http://www.euniam.aau.dk)

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**EDITORS: Romeo V. TURCAN, Larisa BUGAIAN**

External project expert: John REILLY

Translators: Tatiana LUCINSCHI, Stela GUVIR

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## Forward

This book presents the recommendations on restructuring, rationalization and modernization of higher education sector in Moldova. It consists of three parts. In part one, legislative proposals are presented in which inter alia the new structure of the sector is suggested, new key players are identified and described and respective relationships are formulated, governance and management are clearly defined, teaching and research formula are described, and restructuring and rationalization road maps are developed.

In part two, a commentary on the Code of Education in effect is provided by comparing it with the legislative proposals presented in part 1; the commentary on the Code of Education is restricted to the sections on Higher Education. In part three, a guide of good practice is presented. It draws on the benchmark analysis of the institutional university autonomy in Denmark, Lithuania, Romania, Scotland and Sweden and discusses best practices internal to a university on organizational, financial, human resource and academic autonomy.

This book is the final, third major deliverable of the EUniAM project. It builds on and is derived from the first two deliverables of the project: „The analysis of the institutional university autonomy in Moldova” (Turcan and Bugaian, 2014)<sup>1</sup> and „The benchmark analysis of institutional university autonomy in Denmark, Lithuania, Romania, Scotland and Sweden” (Turcan and Bugaian, 2015)<sup>2</sup>.

We would like to acknowledge the Minister of Education, Maia Sandu and her higher education team, led by Nadejda Velisco; Rectors’ Council, led by Rector Grigore Belostecinic; rectors Ion Bostan of Technical Univesity, Gheorghe Popa of Balti State University, Andrei Popa of Cahul State University, Gheorge Ciocanu of Moldova State University for their constructive feedback on the earlier versions of the legislative proposals.

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<sup>1</sup> <http://www.euniam.aau.dk/work-packages/wp2/wp2-deliverables/>

<sup>2</sup> <http://www.euniam.aau.dk/work-packages/wp3/wp3-deliverables/>



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# 1. DRAFT LEGISLATIVE PROPOSALS

## 1.1. Introduction

This report proposes legislative proposals for restructuring and modernization of Higher Education (HE) in Moldova. It is based on (1) the analysis of the institutional university autonomy in Moldova; (2) the benchmark analysis of institutional university autonomy in Denmark, Lithuania, Romania, Scotland and Sweden; (3) the on-going analysis of the current situation of institutional university autonomy in Moldova, including the on-going analysis and review of the Code of Education; and (4) the European Commission agenda for the modernization of higher education.

This report has been developed by the EUniAM Lead Task Force team: Ala Cotelnic, Vice-Rector Academy of Economic Studies, Angela Niculita, Vice-Rector State University of Moldova, Daniela Pojar, Head of HR and Planning Department Balti State University, Petru Todos, Vice-Rector Technical University of Moldova, Larisa Bugaian, Vice-Rector Technical University of Moldova, and Romeo V. Turcan of Aalborg University.

The report identifies the *objectives* of the legislative proposals; discusses *risks and challenges* that HE in Moldova faces today and in the next 10-15 years; identifies expected *outcomes*; identifies *basic principles* on which the process will be founded; proposes a *new structure for the HE sector*; offers an example of a *rationalization process*, incl., a *road map*, recommending that there should be 7 universities in Moldova: 3 regional universities and 4 universities in Chisinau (capital); following the principle of clear demarcation between state regulation and institutional university autonomy, specifies *universities powers and responsibilities*; suggests a distinct separation between *governance and management*; suggests *teaching and research funding formulae* based on inputs and outputs; and outlines a new *National Qualifications Framework*.

The urgency of the situation in HE in Moldova dictates that the restructuring and modernisation process should commence in 2015. The road map put forward in the report identifies key activities, milestones as well as key outputs in relation to the rationalization process, integration and modernization processes. It suggests a 3-4 year implementation plan, in three periods: (1) preparing rationalization (max 9 months), (2) implementing rationalization (max 12 months) and (3) integrating and modernising (24-30 months).

It is expected inter alia that the restructuring, rationalization and modernization of the higher education sector will produce larger, stronger public universities, which will provide a basis for more multi and interdisciplinary learning and teaching in all cycles; strengthen regional and national links with employers; reinvigorate public universities with effective, new governance and management structures committed to relevant student centred education; and ensure fuller more cost effective utilisation of capital resources releasing funds for learning and teaching, research and knowledge transfer.

## Glossary

**Academic** refers to teaching, research and knowledge transfer activities performed by academic staff

**Academic work-load** is the amount of teaching, research and knowledge transfer work that is performed by a member of academic staff in a given period (e.g., semester). When a member of academic staff takes on an administrative position (e.g., head of department or head of faculty), teaching, research and knowledge transfer loads are reduced to ensure the amount of overall work-load is maintained.

**Chair** (of the university board) chairs the meetings of the university board, provides leadership for the board and has to ensure that the governing body operates effectively and efficiently.

**Competence** (defining learning outcomes) means the proven ability to use knowledge, skills and personal, social and methodological abilities in work or study situations and in professional and/or personal development. In the context of the European Qualifications Framework, competence is described in terms of responsibility and autonomy (<http://goo.gl/q1qMvA>).

**External member** (of the university board) is a member who is external and independent of the Institution.

**Governance** (in Higher Education) refers to and is concerned with the decision making structures and processes for the direction and control of a higher education institution. It answers the questions – who is in charge and what are the sources of legitimacy for executive decision making?

Because of the context in which Higher Education Institutions operate, a distinction may be made between „internal” governance (the definition above) and „external” governance which broadly defined relates to the Higher Education rules, regulations, policy and strategy of the Government of the country.

**Knowledge** (defining learning outcomes) means the outcome of the assimilation of information through learning. Knowledge is the body of facts, principles, theories and practices related to a field of work or study. In the context of the European Qualifications Framework, knowledge is described as theoretical and/or factual (<http://goo.gl/q1qMvA>).

**Knowledge transfer** involves the processes for capturing, collecting and sharing explicit and tacit knowledge, including skills and competence; it includes both commercial and non-commercial activities such as publication, research collaborations, consultancy, licensing, spin-off creation, and researcher mobility (EUR 22836 EN) (<http://goo.gl/Jf7WJw>).

**Learning outcomes** are defined as statements of what a learner knows, understands and is able to do upon completion of a learning process. In the EQF, learning outcomes are therefore defined in terms of knowledge, skills and competence (<http://goo.gl/q1qMvA>).



**PhD researcher** is the term used to describe those registered for the third cycle (Bologna) Doctoral qualification. They are also referred to in the European Union as „Early Stage Researchers”

**Rector** is the senior manager or the chief executive of the Higher Education Institution and is responsible to the University Board for the executive management of the institution.

**Research-based learning and teaching** is about developing students’ independent research skills as well as their ability to reflect on their research-based experience; underpinning study programs with latest research, including that produced by own academic staff.

**Skills** (defining learning outcomes) mean the ability to apply knowledge and use know-how to complete tasks and solve problems. In the context of the European Qualifications

Framework, skills are described as cognitive or practical skills (<http://goo.gl/q1qMvA>).

**Student-centred learning and teaching** is not limited to certain methodology; it is rather a cultural shift in the institution. Student-centred learning requires empowering individual learners, new approaches to teaching and learning, effective support and guidance structures and a curriculum focused more clearly on the learner in all three cycles (<http://goo.gl/aRWzEE>).

**Technical staff** is non-academic staff that provides support for teaching and research, e.g., secretariat, IT, library, and genitors.

**Tenure** is to safeguard academic freedom through a permanent appointment which can only be terminated on the basis of „just cause”. Academic staff who over a period of between two and seven years have demonstrated their teaching and research competence at a high level should be granted „tenure”.

**University Board** is the Higher Education Institution Governing body „which is unambiguously and collectively responsible for overseeing the Institution’s activities”.

**University Management** is concerned with and responsible for the implementation of the policy and strategy approved by the Governing Body; the efficiency, effectiveness and quality of the services provided for internal and external stakeholders; the day-to-day functioning of the institution.



## 1.2. Methodology and Framework

### 1.2.1. Data collection and analysis

These legislative proposals have been agreed by the project Lead Task Force team:

Ala Cotelnic, Vice-Rector Academy of Economic Studies, Angela Niculita, Vice-Rector State University of Moldova, Daniela Pojar, Head of HR and Planning Department Balti State University, Petru Todos, Vice-Rector Technical University of Moldova, Larisa Bugaian, Vice-Rector Technical University of Moldova, who is the national coordinator of the EUniAM project.

These legislative proposals have been evaluated by the EUniAM external expert, John Reilly and the EUniAM project coordinator, Romeo V. Turcan. The feedback from the EUniAM project partners has been taken into consideration in developing the final draft of these legislative proposals.

The legislative proposals are based on:

- The analysis of the institutional university autonomy in Moldova (see WP2 deliverables: <http://www.euniam.aau.dk/work-packages/wp2/wp2-deliverables/>)
- The benchmark analysis of institutional university autonomy in Denmark, Lithuania, Romania, Scotland and Sweden (see WP3 deliverables: <http://www.euniam.aau.dk/work-packages/wp3/wp3-deliverables/>)
- The on-going analysis of the current situation of institutional university autonomy in Moldova, including the on-going analysis and review of the Code of Education (<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=355156>)

Note: In part the EUniAM project proposals reinforce and complement the Code of Education; in part they introduce new concepts and structures. The report „The relationship between the EUniAM proposals for structural change and reform of Higher Education and the Code of Education” considers in detail the concordance between the two, as well as examines the internal consistency of the Code and the effectiveness of key elements.

- Modernization of higher education/European Commission
  - The European Commission „Agenda for the modernisation of Europe’s higher education systems” (COM (2011) 567 final) stresses that „to maximise the contribution of Europe’s higher education systems to smart, sustainable and inclusive growth, **reforms are needed in key areas:**
  - to increase **the quantity** of higher education graduates at all levels;
  - to enhance **the quality and relevance** of human capital development in higher education;
  - to create **effective governance and funding** mechanisms in support of excellence; and

- to **strengthen the knowledge triangle** between education, research and business.
- Moreover, the international mobility of students, researchers and staff, as well as the growing **internationalisation of higher education**, have a strong impact on quality and affect each of these key areas”.

The recommendations from the EUniAM project seek to address these key points.

- The Communication from the Commission identifies critical policy objectives for Member States and Higher Education Institutions and the EUniAM project team has been mindful of these in developing its recommendations for Moldova. They include:
  - Encouraging the use of **skills and growth projections** and **graduate employment data** (including tracking graduate employment outcomes) in course design, delivery and evaluation, adapting **quality assurance** and **funding mechanisms** to reward success in equipping students for the labour market.
  - **Encouraging a greater variety of study modes** (e.g. part-time, distance and modular learning, continuing education for adult returners and others already in the labour market), by adapting funding mechanisms where necessary.
  - **Better exploiting the potential of ICTs** to enable more effective and personalised learning experiences, teaching and research methods (eg. eLearning and blended learning) and increase the use of virtual learning platforms.
  - Enhancing the capacity of labour market institutions (including public employment services) and regulations to match skills and jobs, and develop **active labour market policies** to promote graduate employment and enhance career guidance.
  - Introducing **incentives** for higher education institutions to invest in continuous **professional development** for their staff, recruit sufficient staff to develop emerging disciplines and **reward excellence** in teaching.
  - Link funding for doctoral programmes to the **Principles for Innovative Doctoral Training**
  - Stimulating the development of **entrepreneurial, creative and innovation skills** in all disciplines and in all three cycles, and promote **innovation in higher education** through more interactive learning environments and strengthened knowledge- transfer infrastructure.
  - Strengthen the knowledge-transfer infrastructure of higher education institutions and enhance their capacity to engage in start-ups and spin-offs.
  - Encouraging **partnership and cooperation with business as a core activity of higher education institutions**, through reward structures, incentives for multidisciplinary and cross-organisational cooperation, and the reduction of regulatory and administrative barriers to partnerships between institutions and other public and private actors.
  - Promoting the systematic involvement of higher education institutions in the development of integrated local and regional development plans, and **target regional support towards higher education-business cooperation** particularly for the creation of regional hubs of excellence and specialisation.

- Encouraging a better identification of the real costs of higher education and research and the careful targeting of spending, including through funding mechanisms linked to performance which introduce an element of competition.
- Targeting funding mechanisms to the needs of different institutional profiles, to encourage institutions to focus efforts on their individual strengths, and develop **incentives to support a diversity of strategic choices** and to develop **centres of excellence**.
- Facilitating access to **alternative sources of funding**, including using public funds to leverage private and other public investment (through match-funding, for example).
- Supporting the development of strategic and professional higher education leaders, and ensure that higher education institutions have the **autonomy to set strategic direction**, manage income streams, reward performance to attract the best teaching and research staff, set admissions policies and introduce new curricula.
- Encouraging institutions to modernise their **human resource management**
- In all its work the EUniAM project has been conscious that Moldova is a signatory to the Bologna process, wishes to play an active role in the European Higher Education Area (EHEA) and is seeking eventual membership of the European Union. Its recommendations are designed to help in the full implementation of the Bologna process and to address the European Union expectations for the modernisation and reform of Higher Education. It is conscious too of the statement by Ministers in the Bucharest Communiqué in 2012 that:
  - „Higher education is an important part of the solution to our current difficulties. Strong and accountable higher education systems provide the foundations for thriving knowledge societies. Higher education should be at the heart of our efforts to overcome the crisis – now more than ever”.
- At the EHEA Bologna Process meeting in Yerevan in May 2015 Ministers will be invited to:
  - „Include short cycle qualifications in the overarching framework of qualifications of the European Higher Education Area (QF-EHEA) based on the Dublin descriptor for short cycle qualifications and quality assured according to the ESG”.

The EUniAM recommendations respond to this development by recommending that in the restructured (merged) sector of Higher Education in Moldova, the six (+1) universities should incorporate all cycles of higher education including the short first cycle. In our view this will strengthen the HEIs, facilitate educational pathways for students with more qualification exit points, improve links with the employment world and encourage HEIs to develop more innovative, relevant, student-centred curriculum based on learning outcomes.

- The development of the Doctoral cycle and doctoral schools requires a viable critical mass of Doctoral candidates as well as qualified and motivated doctoral candidate supervisors. Larger more integrated universities will facilitate this and provide a larger pool of staff to act as supervisors, synergies in the training of Doctoral candidates across subject fields, more interdisciplinary opportunities for doctoral research, and

the integration of doctoral candidates in the research mission of the institution. In this context, we see the full incorporation of the current Academy of Science Institutes in the reconfigured universities as vital both for the revitalisation of university research and for doctoral education.

- We have noted that the „**Principles for Innovative Doctoral Training**” Directorate-General for Research & Innovation Brussels, 27/06/2011) **are based on:**
- Research Excellence; Attractive Institutional Environment; Interdisciplinary Research Options; Exposure to industry and other relevant employment sectors; International networking; Transferable skills training; (Business involvement in curricula development and doctoral training); Quality Assurance.

Commenting on Doctoral education the EHEA Bologna process Structural Reform working group in its report for Ministers in Yerevan state:

- „From the perspective of doctoral candidates, the issue of employability is also at stake, even if from a different point of view. Only a small number of future doctorate holders can expect a career in academia, while the majority should be equipped to be employable in research-intensive labour market fields or to be self-employed. This is even more of a challenge for economic systems where small and medium sized enterprises, often not based on research and innovation, are the prevailing actors in the market. It is not enough to ensure that doctorate holders have adequate resources to be employable. In some countries, there is a problem of awareness in society of how doctoral candidates can contribute to social progress, to the advancement of knowledge, and to innovation and productivity across sectors. ...employers, both public and private, should consider the competences and skills acquired as well as the time spent to achieve them as doctoral candidates and/or in postdoctoral fellowships as a part of applicants’ professional experience and could also take this period of time into account for the purpose of calculating seniority”.

The EUniAM team consider that this is particularly relevant in Moldova and that one of the objectives of the reconfigured (merged) universities proposed in this report will be to strengthen regional and national links with employers in their development of Doctoral education in ways which are not only relevant to academia but also, as the report quoted above indicates, to the wider employment market.

- As well as addressing national structural change and reform the EUniAM project recognises that universities in Moldova need themselves to initiate urgent internal reform and review with particular emphasis on curriculum reform and methods of learning and teaching designed to invigorate **student-centred learning based on learning outcomes**. Learning outcomes are commonly understood as describing what learners know, understand and are able to do at the end of a unit of learning and a qualification. As the Bucharest Communique indicated:
- „We reiterate our commitment to promote **student-centred learning** in higher education, characterised by innovative methods of teaching that involve students as

active participants in their own learning. Together with institutions, students and staff, we will facilitate a supportive and inspiring working and learning environment”.

- „To consolidate the EHEA, meaningful implementation of **learning outcomes** is needed. The development, understanding and practical use of learning outcomes is crucial to the success of ECTS, the Diploma Supplement, recognition, qualifications frameworks and quality assurance – all of which are interdependent. We call on institutions to further link study credits with both learning outcomes and student workload, and to include the attainment of learning outcomes in assessment procedures”.

The stimulus provided through the proposed integration of the higher education sector in Moldova into fewer (6+1) but stronger Universities will be a basis for promoting a universal adoption of student-centred learning and research-based teaching in which the best practices from Moldova and other European countries noting especially the Tuning methodology will play a part.

### 1.2.2. Framework

These legislative proposals are based on the framework of institutional university autonomy (Figure 1.1) that brings together the traditional four pillars – organisation, finance, human resource, and academic – and five interfaces:

- Government–university
- University management–university staff
- Academic staff–students
- University–business
- University–internationalisation

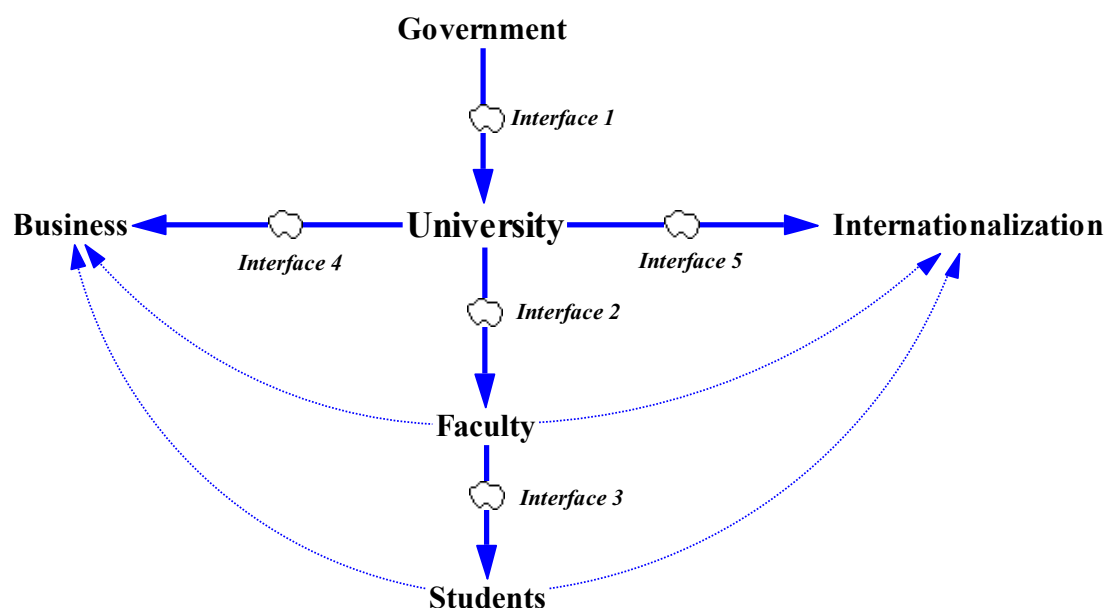


Figure 1.1. Institutional university autonomy framework

Each of these interfaces that characterize external and internal points of interaction between modern universities and their key stakeholders not only map on to the four pillars, but also relate to and influence one another, hence reinforcing and equally pulling in opposite directions.

*Government – university interface* is about state policies towards higher-education; role of central and regional governments in issuing regulations for the structure of university governance; governance vs. management: are governance structures fit for purpose, effective, accountable (to whom); advocacy of higher education institutions; need and role of accreditation; models of financing research and teaching; accountability and public responsibility; implications for the mission of an university; understanding the interface vs. practicing the interface; role in the appointment or approval of senior staff; policy on admissions and curriculum; external accreditation and Quality Assurance.

*University management – university staff interface* is about governance, leadership and management models of a modern university; power sharing in strategic and operational decision making; implications of top-down, bottom-up or flat organization; incentive and evaluation mechanisms; external vs. internal appointment and promotion policies; staff mobility; research, teaching, and contribution to community vs. university mission; understanding the interface vs. practicing the interface; accountability and public responsibility.

*University staff – students interface* is about students' role in university governance and management, as well as in learning and teaching with the new learner centred paradigm and research processes; staff as teachers vs. staff as facilitators; changing the mind set about relations with students; models of student admissions (e.g., linked to overall higher-education state policies); students' evaluation models; students' mobility; problem based learning; understanding the interface vs. practicing the interface; accountability and public responsibility.

*University – businesses interface* is about the role of business in university governance and management, as well as in curriculum development, learning, teaching and research processes; models of knowledge transfer (e.g., financing, ownership, spin-outs, intellectual property rights) and knowledge sharing (e.g., staff exchange programs, student internships, promoting entrepreneurship); career development, and innovation; life-long learning; role in work placements and work based learning; understanding the interface vs. practicing the interface; accountability and public responsibility.

*University – internationalization interface* is about university internationalization policies; university strategies for internationalization; staff and student mobility; inward and out-ward internationalization modes and models; partnership models and their implication for accreditation related to the process of internationalization; compatibility of internationalization and university autonomy; internationalization and university mission; understanding the interface vs. practicing the interface; accountability and public responsibility.



### 1.2.3. Legislative proposals outline

The rationale for legislative change is considered under the following headings:

- Objectives
- Risks and outcomes
- Basic principles
- New structure of HE sector
- University rationalization, including the process of rationalization
- Universities powers and responsibilities
- Organizational autonomy
- Financial autonomy
- Academic autonomy
- HR autonomy
- Road map

### 1.3. Objectives

The *objectives* of these legislative proposals are:

- The development of a stronger, integrated, relevant, quality assured higher education sector focusing on student centred learning in all cycles
- Continued implementation of the EHEA and the Bologna reforms
- Reform and modernization of the higher education sector through increased autonomy in line with communications from the European Commission and the Council of Ministers
- Contributing to the case for Moldova to become a member of the European Union
- Strengthening the research base of Moldova Universities to help support the development of doctoral schools and doctoral education and in line with the Bologna process and Communications from the European Union
- Quality assurance and enhancement
- Collaboration with business and industry
- University internationalization

## 1.4. Risks and Outcomes

### 1.4.1. Risks:

- Dramatic decline in student numbers ([www.demografie.md](http://www.demografie.md)):
  - in 2014 the number of students had declined by 25%, compared with 2009, on average by over 4% % per annum; this trend is forecast to continue
  - in 2014 35% of the planned places in all Universities were not filled; this trend is expected to continue unless radical steps are taken to halt the decline
  - From 1995/1996, the number of 18-19 year olds has been constantly decreasing; in the last 10 years (as of 2014), the number of 18-19 year olds decreased by 45,000
  - By 2016, the number of 18-19 year olds is expected to fall to 90,000 compared with 103,000 in 2014.
  - In 2020, the number is predicted to be 75,000, a drop of c.27% in six years.
  - A number of factors drive this decline, increasing the pressure for urgent action now before HE sector goes into terminal decline:
    - Demographic – the birth-rate in 1996-1997 was 50% lower than in the 1970s
    - c.1 million people have emigrated since 1992, and emigration continues
    - c.5000 scholarships a year for students from Moldova to study abroad funded by other countries;
    - Dual citizenship, e.g., Romanian, allows access to **tuition-free** high quality EU education
    - Increase of high-middle class parents who can afford (and prefer) to send their children to study in EU
    - Visa liberalization (with short-medium term impact)
    - Accession to EU (with medium-long term impact, 5-7 years)
    - Non returning students who go on work-travel (500-600 per year)
- Lack of understanding of the mission of a modern university by key stakeholders
- Ageing academic staff (on average more than 60-65% of academic staff are over 60 years)
- Low quality and employability of graduates; according to IMF 2013 Country Report No. 13/269, only 22% of young people found a job immediately after graduation in 2010Low European and international competitiveness
- Poor research, development and innovation in universities
- Inefficiency:
  - Over-capacity which means wasteful, inefficient and ineffective use of capital resources (buildings, laboratories) and staff arising from the decline in student numbers
  - Duplication of programmes of study with low numbers of students and consequent impact on quality and performance
  - The need to develop high quality research and doctoral schools
  - Low level of funding for teaching and research



- Inefficient use of resources
- Lack of economies of scale in e.g. in administration
- Poor teaching/research infrastructure
- Lack of integrated university platforms, both teaching and research
- Low impact research due to thinly spread funding
- Competition with businesses (private sector) for academic and high level technical, administrative and other support staff
- Low quality and insufficient quantity of high level technical, administrative and other support staff, that constitute 55-60% of staff of a modern university
- Speed of technological change
- Weak regions and regional development
- General and effective resistance to institutional change by university management, academic staff, students, other key stakeholders

#### **1.4.2. Outcomes: if status-quo is maintained**

Maintain the status quo – 20 public universities, 11 private universities, and 15 research institutes – with research and research funding still monopolized by the Academy of Science of Moldova, with the following results in public HE institutions:

- by 2020 the number of students would drop to c.50,000-55,000 – an average of c.1,700 students per university;
- Closure or bankruptcy of universities, academic and technical staff dismissal, student and parent revolt;
- no effective student centred, research-based learning and teaching and continuing low quality of majority of graduates;
- low rate of employment after graduating;
- virtually no research;
- no effective knowledge transfer;
- marginal contribution to the social and economic life.

Our strong recommendation is that to maintain the status quo is **NOT** an option and that the only route possible in the current crisis is to implement the EUniAM plan.

#### **1.4.3. Outcomes: if EUniAM proposals are implemented**

The following *outcomes* are expected if the legislative proposals are implemented:

- The funding for public universities will be fully maintained

- The funding will be used in more efficient ways by the restructured (merged) public universities (6+1) to develop institutions committed to modernisation and improvement in learning and teaching, research, and knowledge transfer
- Ensure full more cost effective utilisation of capital resources releasing funds for learning and teaching, research and knowledge transfer
- The restructuring of the higher education sector will produce larger, stronger public universities, which will provide a basis for more multi and interdisciplinary learning and teaching in all cycles
- The integration of the ASM research institutes in the restructured (merged) public universities will help to establish a research culture which will imbue research based learning and teaching in all cycles, strengthen doctoral education and enhance doctoral schools, and enhance knowledge transfer
- End inappropriate subject duplication and provide a critical mass of students and staff for key subjects allowing wider student choice in electives
- Strengthen regional and national links with employers
- Reinvigorate public universities with effective, new governance and management structures committed to relevant student centred education
- Provide a basis for inter-institution collaboration through a more effective Rectors' Council
- Incentivise the autonomous (merged) public universities to develop human resource strategies and policies which focus on professional development and recognition of high quality success in learning and teaching, research and knowledge transfer.

## 1.5. Basic Principles

The legislative proposals are based on the following principles:

- A clear distinction between the roles and responsibilities of the Government and the Universities reflected and enforced through regulation and institutional university autonomy
- Clear separation between university governance, leadership and management
- The mission of a contemporary university is:
  - Student-centred, research-based learning and teaching based on learning outcomes
  - Research – fundamental and applied
  - Knowledge transfer
- An **integrated** Higher Education sector in which public universities offer programmes in all cycles, including the short cycle
- Full cost, performance-based funding:
  - for research and knowledge transfer

- for learning and teaching
- The government funds public universities on the following basis:
  - 100% funding for learning and teaching in the form of a block grant allocated on the basis of a transparent, published performance driven formula
  - Universities are free to allocate the block grant in ways determined by the university Governing Body subject to the requirements of the contract with the Government and respecting principles of accountability
  - Funding for research should be allocated on the basis of a transparent, published formula in the form of ‘core’ funding to cover basic institutional research infrastructure
- The Government provides maintenance scholarships to all students who are citizens of Moldova and enrolled in public universities. Maintenance scholarships are differentiated according to students’ place of residence
- Quality assurance of teaching and learning and research and knowledge transfer – which is subject to periodic external independent review
- The details of data to be collected and reporting requirements will be determined by the Ministry of Education, Research and Innovation in consultation with the sector and other relevant stakeholders. It is expected that as well as the standard range of student, staff, research and financial data the Ministry and universities will be mindful of the recommendation in the Bucharest Communiqué that: „data collection and referencing against common indicators, particularly on employability, the social dimension, lifelong learning, internationalisation, portability of grants/loans, and student and staff mobility” will constitute part of the data to be collected.
- Universities will be required to report, in a common format, solely to the Ministry of Education, Research and Innovation on all aspects of their work at times and for periods determined by the Ministry and respective agencies after consultation with the sector. Such reporting will include inter alia -finance, student numbers and outcomes, staff, teaching, research and other areas such as those indicated above
- Distribution of academic work-load between (i) learning and teaching and (ii) research and knowledge transfer to support the mission of university
- Student-centred learning based on learning outcomes (knowledge, understanding, ability), research based teaching, employability competences
- Student admission managed by the universities

## 1.6. Structure of HE sector

The proposed structure of HE is presented in Figure 1.2 below.

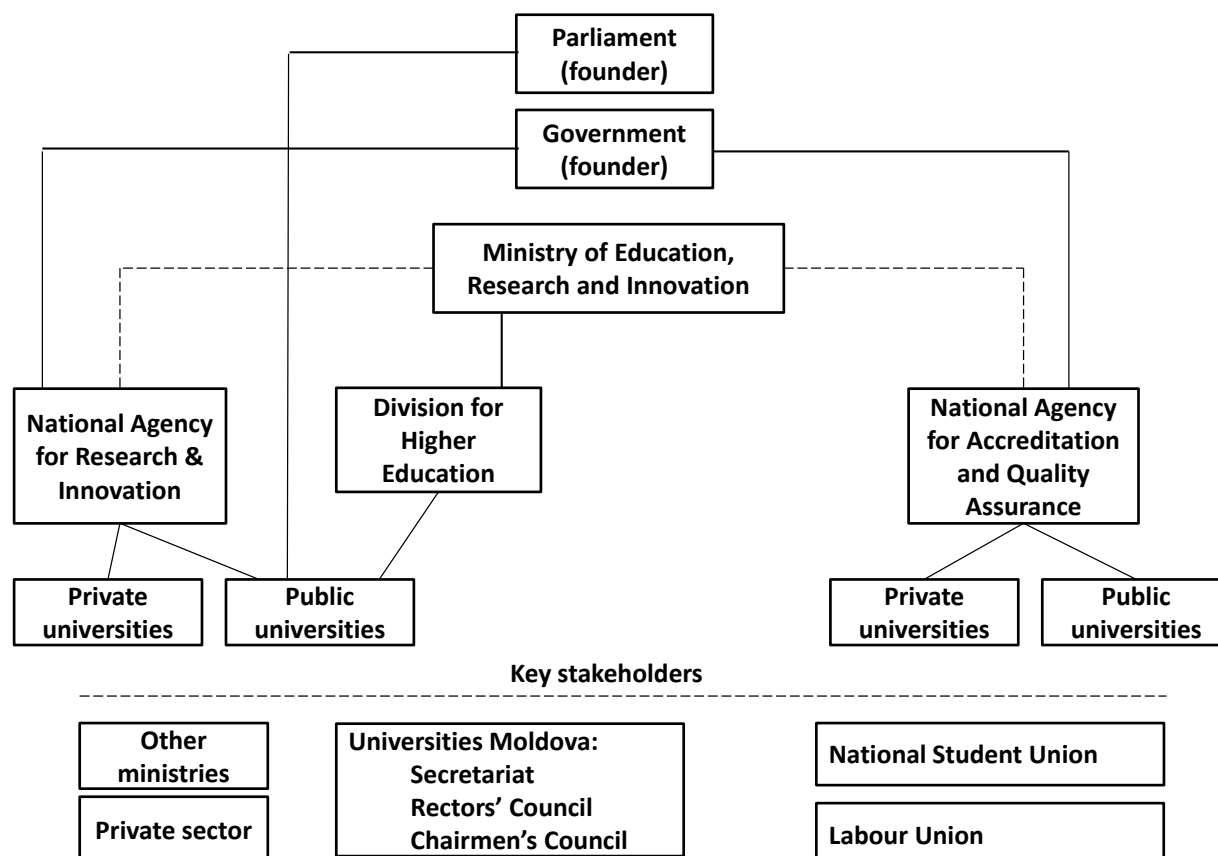


Figure 1.2. *Proposed structure of HE sector*

Explanation of the proposed structure of the HE sector:

- The **Parliament of the Republic of Moldova** becomes the founder of public universities
- The Ministry of Education becomes: **The Ministry of Education, Research and Innovation** (MERI) to reflect the mission of the Ministry
  - MERI shall be the sole ministry for relations with universities relating to learning and teaching, research, and knowledge transfer
  - All funding for higher education and research to be managed by MERI
  - MERI to establish a high level Higher Education Division (as part of MERI) with terms of reference/responsibilities as set out below
  - The Division for Higher Education must be provided with adequate (number, quality, level) staff resources to manage the range of responsibilities.

- The **Higher Education Division** will be responsible inter alia for:
  - The development of a five year strategic plan for higher education in Moldova
  - Consultation with the Higher Education sector on a systematic and regular basis
  - The allocation of recurrent and capital funds for learning and teaching to public universities on the basis of contracts and a transparent and published funding formula based on student numbers and outputs (*see Figure 1.3*);
  - The definition of consistent and coherent Higher Education data fields.
  - Collection, collation, analysis and publication of management and performance data,
  - The commissioning of a high level, integrated MIS (student/learning and teaching / FTE and academic and technical staff)
  - The establishment of financial and audit report requirements for public universities
  - Arranging for periodic audit and review visits to universities to test the quality, effectiveness reliability of financial and data management systems
  - Review of university strategic plans and other matters to be determined by MERI
  - Establishing sector performance indicators related to learning and teaching
  - Seeking reimbursement of any unused funds resulting from under recruitment of students and/or lower student outputs than specified in the contract with the university or in the event of the detection of misuse of funds
- **National Agency for Accreditation and Quality Assurance:** the Government to establish an autonomous and independent National Agency for Accreditation and Quality Assurance (NAAQA) which shall be subject to external periodic review.
  - The twin roles of the National Agency for Accreditation and Quality Assurance to be clearly distinguished
  - **Both state and private HEIs will be subject to the requirements of NAAQA**
  - **Accreditation** will involve:
    - Responsibility for establishing and publishing criteria for the recognition of HEIs
    - Recognition shall grant the HEI the right to offer higher education programs in all cycles and award qualifications which will be recognized nationally.
    - Normally accrediting the HEI as a whole but partial accreditation may be awarded to a named program or programs if the HEI as a whole is judged not to meet the criteria for institutional accreditation.
    - Periodic review of HEIs to ensure that they continue to satisfy the national accreditation criteria
  - **Quality Assurance** will entail:
    - The establishment and publication of standards and codes of practice for Quality Assurance in HE in Moldova in conformity with the Standards and Guidelines for Quality Assurance in the EHEA endorsed by the Bologna meeting of Ministers in Yerevan in May 2015.
    - Procedures for the periodic external review of University Quality Assurance in conformity with the Standards and Guidelines for Quality Assurance in the EHEA.
    - Policy and procedures for the quality assurance and enhancement of its work.
    - Registration as a member of the European Association for Quality Assurance (ENQA) at the earliest opportunity

- **External Examiners Secretariat**
- To guarantee/safeguard the quality of performance in final examinations at public universities the MERI in consultation with the NAAQA will establish an External Examiners Secretariat (EES).
- EES will establish standards and guidelines for external examiners
- EES will be responsible for recruiting, training and certifying and reviewing a national team of external examiners
- External examiners may be recruited from academia, business and/or public sectors
- External examiners will be selected on a random basis by the EES
- The external examiners will have the following duties:
- Reviewing the requirements for the degree programme examinations, including where appropriate reviewing question papers for written exams, to ensure that they are consistent with the learning objectives and outcomes defined in degree regulations/curriculum
- Ensuring that exams are conducted in conformity with current rules
- Ensuring that the assessment and grading of examinations is consistent, equitable, conforms to best practice and respects the published assessment and grading criteria. This may involve random selection of examination scripts for review, attending meetings of internal examiners, arbitrating in the event of a dispute between internal examiners
- Providing an evaluation report on standards and procedures at the end of the examinations for which they are appointed
- Overseeing that students are given a fair and uniform treatment and that their performances are reliably assessed in conformity with the assessment rules
- **National Agency for Research and Innovation:** The Government to establish a National Agency for Research and Innovation (*NARI*, see *Figure 1.3*)
- The Government to **disestablish the Academy of Science of Moldova** and allocate **ALL** its research institutes to appropriate public universities
- NARI will be responsible to MERI for:
  - Allocation of core and competitive research funding based on objective published criteria
  - Instituting calls for research proposals
  - Establishing eligibility and evaluation criteria
  - Organization of external objective and quality assured evaluations of applications
  - Organization of audit of research grants
  - NARI would have three major units: for Independent Research, for Strategic Research, and for Core Funding:
  - The **Unit for Core Funding** provides core research funding for public universities;
  - Allocations of funding will consider doctoral training (number of PhDs), publications and external funding as key performance indicators

- The collection of management and performance data (staff, publications, grants, doctoral students, funding), requiring a high level, integrated MIS (VBN, VPN) across the sector
- The **Unit for Independent Research** provides research grants on the basis of a competitive Call for applications in all fields that are based on the researchers' own initiatives, subject to a high quality objective assessment of applications, including international assessment
- To support independent research based on the researchers' own ideas, within and across all main fields of science, the Independent Research Unit of NARI will have five research councils (*see Appendix 1.1*), offering funding for respective disciplines on a competitive basis
- The **Unit for Strategic Research** funds strategic research on the basis of a competitive Call for applications in the fields specified by MERI, subject to a high quality assessment of applications, including international assessment
- Private universities may apply for competitive-based „independent” and „Strategic” research funding
- NARI will provide a separate budget for investment in high-cost equipment on a competitive basis for public universities

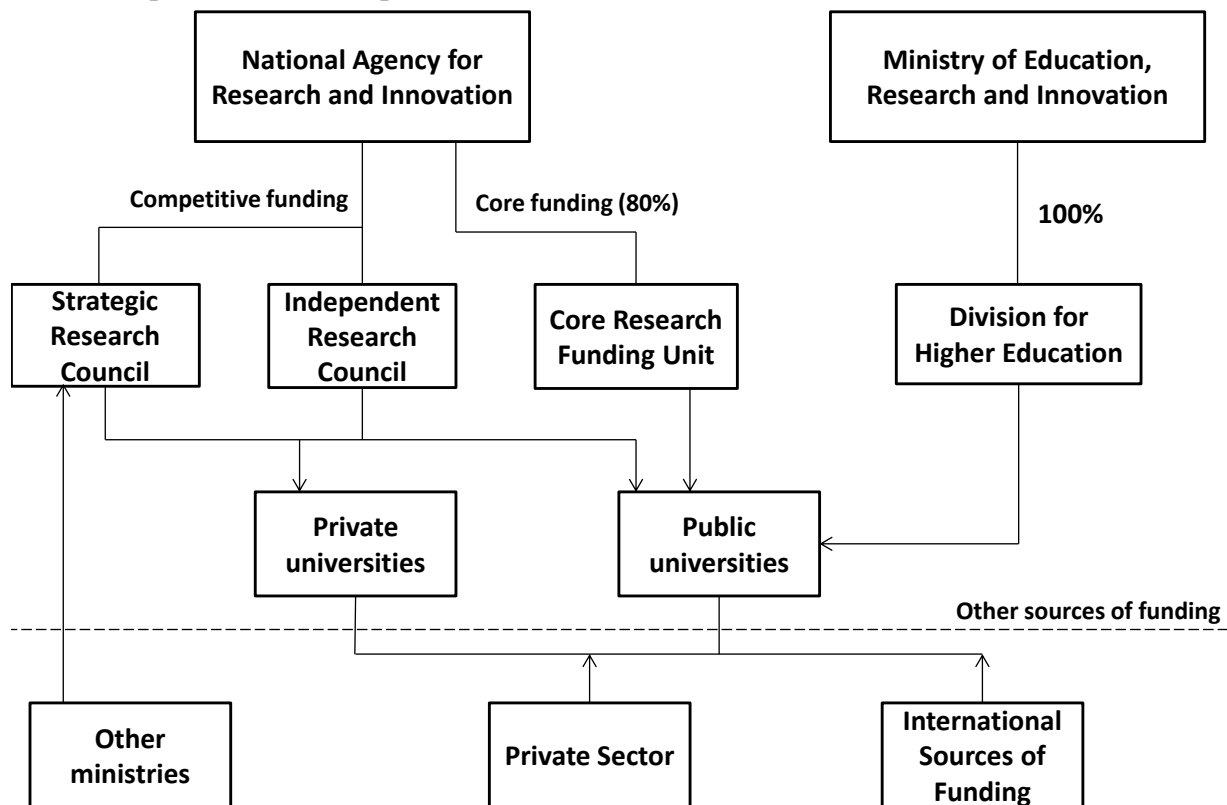


Figure 1.3. Proposed funding structure of HE sector

- Key HE sector stakeholders:
  - **Other ministries** may initiate research projects, allocating earmarked research funding to the Strategic Research Unit of NARI;



- In consultation with NARI other ministries may publish Calls for research applications, and establish relevant and equitable eligibility and evaluation criteria. The evaluation/assessment of other Ministry applications will be conducted in close consultation and cooperation with the NARI
- **Private sector organizations** may initiate research projects directly with universities
- Establish **Universities Moldova (UNIMD)** as a not-for-profit organization brings together the universities aiming to:
  - Advocate the best possible environment for Universities to carry out their mission of: research, learning and teaching, and knowledge dissemination with politicians, ministries and other key stakeholders
  - Enhance their cooperation, visibility and impact
- UNIMD will have an effective secretariat that will facilitate public hearings and inform the Rectors' council and Chairmen's council inter alia on issues related to university autonomy, government-university relationships, university-business relationships, and university internationalization
- UNIMD will be financed on the basis of subscription paid by the member universities
- **National Student Union:** an effective and active involvement of students in the fulfilment of university mission is key to the success of HE sector
- It will be financed by the Student Unions of universities

## 1.7. University Rationalization

### 1.7.1. Rationalization principles

The process of rationalization and institutional mergers is based on the following principles/needs:

- That it should produce a dynamic restructured higher education sector which will be committed to a more effective, efficient, productive, quality driven use of all the current resources in the sector
- That the total resource allocated to higher education should be maintained and increased on an annual basis at least in line with other public budgets and as circumstances in the economy permit at a higher level in recognition of the fundamental role of higher education in economic growth and development
- That the process of rationalisation and merger should be based on the principle of safeguards for individuals – recognising that the natural wastage occurring in the system will provide opportunities for restructuring.
- That research institutes transferred from the Academy of Sciences of Moldova and integrated in universities will be strengthened in the process and play a key role in the transformation of the universities' research base



- That any capital funds which may be realised through the sale of buildings, land or other assets will be retained by the sector for investment which may include buildings, infrastructure, facilities and staff
- That there is a need to strengthen the university profiles and mission (student-centred, research-based learning/teaching, research and knowledge transfer)
- That there is a need to establish strong regional universities which will be major direct contributors to the economy and will work with public and private employers in the development of the regional economy
- That there is a need to establish strong competitive, viable sized universities comparable in size to peers in other European countries (benchmarked size: 10,000-15,000 students);
- That subject areas should be strengthened by increasing their range and depth and thus offering students a wider choice of modules
- That there should be Increased opportunities for interdisciplinary and multi-disciplinary programmes
- That wasteful duplication (duplication of subjects – non-sustainable in small economy) should be reduced
- That a critical mass is essential for high quality doctoral programs (larger integrated institutions can offer better facilities and training and critical mass for doctoral school education)
- That research-based learning and teaching should be integrated in all cycles
- That inefficient use of public funding, which has resulted in low quality teaching, ineffective low quality research, ineffective utilization of facilities/buildings; small HEIs with a high ratio of management costs to student numbers, should be eliminated
- That efficiency savings should be used to improve and develop, effective, adequate services to students
- That failure to reform, modernize and to grant universities real autonomy will compromise the implementation of the Bologna process and application for EU membership

### **1.7.2. Rationalized number of universities**

Based on the principles above, and the benchmark data (see e.g., WP3 and Appendix 2), it is recommended that there should be 7 (6 + 1) universities in Moldova: 3 regional universities and 4 universities in Chisinau:

- *Regional* universities:
  - Balti State University (BSU)
  - Cahul State University (CSU)

- Tiraspol State University (TSU) [for political reasons, TSU is not considered in this report as part of rationalization process of]

➤ *Universities in Chisinau:*

- University of Economic and Business Studies (UEBS)
- Medical University of Moldova (MUM)
- State University of Moldova (SUM)
- Technical University of Moldova (TUM)

***Why 2 + 1 regional universities:***

- Effective regional development needs dynamic, relevant, effective universities of sufficient scale to make an economic impact and with a sufficiently wide subject spread to cater for the needs of the region
- Universities of significant size which themselves will be major players in the regional economy will be in a position to influence and collaborate with regional stakeholders to boost economic and social development
- An aspect of the wider European agenda is to strengthen and boost regional development, in which universities play a key role
- In the Moldovan context, this means having a strong, viable university in the North, South, and East, namely BSU, CSU, and TSU

***Why these 4 universities:***

- Specialized universities
  - TUM and MSU
- Focus on social and business/economic studies
  - UEBS
- Comprehensive university (broad generalist university), offering basic sciences, humanities, pedagogical science
  - SUM

### **1.7.3. Rationalization and integration process: A road map**

A road map is presented in Appendix 1.3. It identifies key activities, milestones as well as key outputs in relation to the rationalization, integration and modernization processes. It is divided into 3 major periods:

- Period 1: Preparing rationalization process
- Period 2: Implementing rationalization process
- Period 3: Integrating and modernising process

**Period 1:** The aim of period 1 – max 9 months – is to prepare legal and regulative ground to commence major restructuring and rationalization of Higher Education sector. The new structure of the sector, new funding principles, including teaching and research funding

formulae, the rationalization and integrating and modernising processes will be part of a new, higher education restructuring law.

The urgency of the situation (*see section 1.3*) dictates that the rationalization process should commence within a short time frame – 9 months, during which inter alia the necessary legal framework to support the rationalization process will be developed and approved.

To support and facilitate the process, the Rectors' Council and Chairmen's Council should immediately establish:

- a small working group with appropriate administrative and clerical support to facilitate the process and the project management and report on the progress to the Minister on a monthly basis, and
- two small working groups to identify Management Information Systems student/teaching and learning/FTE data and research data (e.g., publications, research grants, number of PhDs and respective performance), and implement an integrated Management Information System/Virtual Business Network system across the sector.

By the end of this period (max 9 months), the following *key* outputs are envisaged:

- New HE sector restructuring and rationalization law is published in „Monitorul Oficial”
- HE funding formulae (for research and teaching) is approved
- Division for Higher Education is up and running
- NARI is up and running
- NAAQA is up and running
- Universities Moldova is up and running
- Governance and management are clearly separated
- Academy of Science of Moldova is disestablished

**Period 2:** The aim of period 2 – max 12 months – is to commence, implement and finalize the rationalization process. 20 public universities and 15 public research institutes of Academy of Science of Moldova will be subject of the rationalization process following the rationalization principles identified in section 1.4 above.

Ministry of Finance will allocate funding to MERI to facilitate and support the process of rationalization and integration. Funds from the sale of assets will go to newly merged universities to support their integration and modernisation.

These public institutions concerned: 20 public universities and 15 research institutes of Academy of Science of Moldova should be invited to negotiate and agree integrated mergers within 10, maximum 12 months. If the institutions do not agree the Minister of Education will impose a new merger and structure plan

If there is an evident lack of progress or unwillingness to engage in meaningful negotiation the Minister should intervene at an earlier stage than envisaged above.

It is expected that by the end of this period (max 12 months), the following *key* outputs are envisaged:

- Mapping is finalized leading to the formation of 6 universities
- Data needs for teaching are formalized
- Software integrating all sector teaching data is purchased (through a public tender)
- Data needs for research are formalized
- Software (VBN) integrating all sector research data is purchased (through a public tender)
- Accreditation criteria and procedures are established
- Quality assurance criteria and procedures are established

**Period 3:** Following the rationalization process, there will be an integration process of 2 years (max 3 years), during which the organizational and operational structures of the newly formed universities will be established. Further rationalization may take place as necessary.

In parallel the newly formed universities will undertake a comprehensive review of study programs in all cycles „to promote **student-centred learning based on learning outcomes**, characterised by innovative methods of teaching that involve students as active participants in their own learning in a supportive and inspiring working and learning environment” (Bucharest Communiqué)

It is expected that by the end of this period (max 24 months), the following key outputs are envisaged:

- New internal structures are established
- Study programs are modernized
- Doctoral schools are established
- Internal quality assurance criteria/procedures are established
- MIS for teaching are installed, integrated, and operational
- VBN for research are installed, integrated, and operational

#### **1.7.4. Rationalization mapping: An example**

As of 2015, there are 20 universities and 15 research institutes of Academy of Science of Moldova (ASM). These 35 public institutions will be subject of the rationalization process following the rationalization principles identified in section 1.7 above.

The Academy of Science of Moldova will be disestablished and its research institutes (15) allocated to appropriate universities.

Appendix 1.4 provides an example of mapping, of how the merger – rationalization process might operate, but it should be understood as an example which will be subject to development in the period of negotiation between the institutions. We reiterate that the process must be instituted immediately.

## **1.8. Universities Powers and Responsibilities**

Following the principle of clear demarcation between state regulation and institutional university autonomy, universities will be responsible for:

- Fulfilling the requirements of MERI
- Establishing effective internal organizational and management structures and keeping these under review to ensure that they remain fit for purpose
- The admission of students
- Once an institution has been formally accredited by the National Agency for Accreditation and Quality Assurance, it shall establish degree programs in all three cycles (short cycle/Bachelor, Master and Doctoral), which are student centred, based on learning outcomes and develop competences for employability .
- Such degree programmes and other qualifications shall be subject to rigorous quality assurance procedures established by the institution and formal approval by a designated university committee but shall not be subject to any further external scrutiny or approval
- Establishing and publishing a policy and procedures for quality assurance, enhancement and periodic review of programmes of study in conformity with National and European Guidelines
- Developing, encouraging, promoting a variety of modes of study including distance and blended learning, part- time study, work based learning, continuous professional development and other forms of life- long learning
- Recognition of prior formal and informal learning and experience
- Effective student involvement in management structures and decision-making including the curriculum and teaching/learning process
- The appointment, review and evaluation of academic and non-academic staff
- Establishing titles, levels, career path, including procedures for tenure, and conditions of appointment including remuneration subject to national legal requirements for all staff (academic and technical)
- Deciding on the normal workload distribution between teaching-learning and research/ knowledge transfer
- Establishing effective staff development and training programs
- Quality Assurance and Enhancement of all University procedures and work
- International relations: partnership and other cooperation agreements, mobility (staff/ students), joint programs in all cycles, joint research, consortia/networks, international students, branch creation

- Effective liaison with business and industry: internships, work-based learning, consultancy, knowledge transfer, R&D, funded research, industrial PhDs, long life learning, consultation on curriculum
- Supporting regional economic and social development
- The promotion of research (applied and fundamental), innovation and knowledge transfer
- Developing an effective research strategy and encouraging and supporting staff to undertake research
- Promoting knowledge transfer, the development of innovation hubs, science parks, spin-off companies and appropriate entities to support the university mission
- The allocation of funds to its subdivisions on a transparent basis, based on processes and methods arising from the strategy and policy, which apply in each university.
- Diversifying income generation from sources in addition to public funding (e.g., tuition fees, R&D contracts with businesses, European project and research funding, training, entrepreneurial activities, spin-offs, renting, interest rates)
- Establishing tuition fees for certain categories of students and programs: foreign students, students wishing to obtain a second degree, MBA, joint programs
- Managing university financial accounts, as well as accumulating an operating surplus
- The Government will transfer the land and real estate to universities
- Universities will have the power to purchase property, and to sell real estate/assets with the consent of the Ministry
- Universities will have the power to invest revenue from the sale of real estate for the development of the university
- Subject to the approval of the Minister (the Division for Higher Education) to borrow money to facilitate the development process, in accordance with the university's mission and purpose
- If applicable, select an international Quality Assurance Agency listed in the European Quality Assurance Register for Higher Education to undertake an external audit.

## **1.9. Organizational Autonomy**

Implementing the principle of a clear separation between university governance and management the University will establish an effective organizational and management structures, which will include a university governing body and the appointment of the Rector.

The University will keep the organisational and management structures under review to ensure that they remain fit for purpose.

University governing body (University Board):

- Composition 9 -15 members internal and external (majority external)
- Chaired by an external member
- Rector member ex officio
- Clear terms of reference
- Subject to external periodic review
- Code of practice and training for members
- Period – 4 years (members could be re-elected for second term of 4 years)[
- The process should ensure a rotation of membership to ensure continuity, i.e., this would mean that normally 25% of the members would retire each year

University Board (governing body) is unambiguously and collectively

- Responsible for overseeing the university's activities and will ensure that the responsibilities and powers outlined above are exercised in accordance with the contract with the Division of Higher Education and Core Research Funding Unit and to fulfil the mission of the university
- It will establish a code of practice and ethics for its members
- It will establish a medium term – four year strategic plan and monitor the delivery of the plan
- It will establish a system for risk management and control which will include the prevention and detection of all forms of corruption and action which undermine the integrity of the university
- It will ensure that there is an effective annual external audit of the university accounts
- It will ensure that the university has established procedures to ensure the quality of learning and teaching, research and knowledge transfer
- It will establish appropriate performance indicators for all aspects of the university work
- It will monitor performance and value for money

University Board is responsible to MERI for the sound performance, financial management, and operation of the university and for ensuring that the terms of the contract with the Division for higher Education are fulfilled

- It will provide an annual financial report in the form and at the time specified by the Higher Education Division



- It will provide annual data reports and management information in the form and at the time specified by the Higher Education Division
- It will present its strategic plan to the Division of Higher Education
- It will present the annual report of the external auditors to the Division for Higher Education after it has been reviewed by the Governing Body
- It will report to the Division for Higher Education any cases of fraud or corruption that are detected with a statement of the action to be taken
- On a three (four) year cycle, it will provide a comprehensive review report to the Division of Higher Education on the achievements of the university with particular reference to the strategic plan
- It will ensure that the university complies with all agreed audit and financial reporting
- It will ensure that the university estate is developed, enhanced and maintained for the benefit of the whole university community

Appointment of the rector:

- Rector is the Chief Executive appointed in open competition by the University Board
- Fixed term appointment – five years term renewable for a further three years term (maximum 2 terms eight years per HEI)
- Clear job description and performance criteria
- The Rector is responsible to, reports to and is evaluated by the University Board

Rector is responsible to University Board for:

- Establishing the internal management and academic structures agreed by the Governing Body
- The overall leadership and management of the university
- The implementation of the strategic plan throughout the university
- Ensuring the development and sustainability of the academic, organizational, financial and human resource autonomy of the university
- The management of all the university resources
- The development and public presentation of the university and all aspects of its work
- Representing the university and promoting its interests nationally and internationally
- Establishing and leading a high quality, performance driven, senior management team
- Ensuring that the Governing Body is provided with detailed accurate timely data on university performance in all areas of its work



- Providing an annual performance report
- Developing effective communication and integration of students and staff in the work of the university
- Diversifying the sources of income and generating an operational surplus
- Appropriate delegation of responsibilities and authority
- Leading the preparation of the University strategic plan for submission to and approval by the Governing Body

## 1.10. Financial Autonomy

Following the basic principles of HE sector as well as universities powers and responsibilities (*for more details see sections 1.4 and 1.7*), funding of HE shall be transparent and published based on formulae that are based on inputs and outputs.

### 1.10.1. Funding higher education

Higher Education Division will implement the following performance- and outputs-based formula (1) for funding learning and teaching (higher education):

$$T_{i,t} = \sum_{j=1}^6 (Nsf_j \times k_1 + \frac{G_j}{60} \times k_2) \times P_j, \quad j = 1, \dots, 6, \quad (1)$$

Where  $T_{i,t}$  – teaching and learning budget for HEI „i” in year „t”

$j$  – number of study domains (see Table 1)

$k_1$  – price ratio as a function of number of physical students

$k_2$  – price ratio as a function of number of FTE (3),

$$k_1 + k_2 = 1 \quad (2)$$

$G_j$  – total number of ECTS accumulated at HEI „i” in the domain „j”

60 – number of ECTS needed to be accumulated per year

$$FTE_j = \frac{G_j}{60} \quad (3)$$

$Nsf_j$  – number of physical students per domain „j” in HEI „i”

$$Nsf_j = Nlf_j + 0.5 \times Nlfpt_j \times 1.25 \times Nm_j, \quad (4)$$

Where  $Nlf_j$  – number of full time students of cycle 1 in domain  $j$

$Nlfpt_j$  – number of part time students in cycle 1 in domain  $j$

$Nm_j$  – number of full time students of cycle 2 in domain  $j$ .

0.5 & 1.25 benchmarked coefficients and shall be adjusted based on new (after rationalization), actual historical data

$P_j$  – price per student  $Nsf$  per domain  $j$

Table 1.1. *Draft configuration of study domains*

Domain	Composition	Adjustment Coefficient*
Domain 1	humanities, social sciences, business and economics, law, services (hotel), educational/pedagogical sciences	1
Domain 2	natural sciences, computer science and mathematics, astronomy, physics, chemistry, mathematics, molecular biology, biochemistry and -physics, biology, geology, software development, as well as the natural science aspects of geography	1.65
Domain 3	Engineering, ICT (excluding software development), manufacturing technologies, agriculture, pharmacy, sport	1.75
Domain 4	Medical sciences, architecture and design, and construction	2.5
Domain 5	Art, musicology (excluding opera singing), dramaturgy	3.0
Domain 6	Theatrical arts, opera singing, visual arts	6.0

\* These are benchmarked adjustment coefficients and could be adjusted based on newly emerging historical data

### 1.10.2. Funding research and innovation

The Funding Unit within ARI will implement the following performance based formula (5) for funding research and innovations in state universities:

$$Rit = Fc + Fb, \quad (5)$$

Where: Fc – competitive funding and Fb – basic, core funding, aimed to cover inter alia salary for technical staff in labs, equipment maintenance, supplies and services procurements

Funding Unit within ARI will provide 80% for base funding and allocate up to 20% of the research budget on a competitive basis based on the following performance criteria:

- Publications
- External research grants
- Number of PhD students

State and private universities may apply for research and innovation funding on a competitive basis to the Independent Research and Strategic Research units.

### 1.11. Academic Autonomy

In conformity with the basic principles of the HE sector and the powers and responsibilities of Universities defined above (*for more details see sections 1.4 and 1.7*) University Academic Autonomy:

- Will grant – subject to formal accreditation – the power to award degrees in all cycles, (short cycle/Bachelor cycle, Master and Doctoral), which are student-centred,

based on learning outcomes and develop competences for employability, established by universities in line with Quality Assurance and Enhancement guidelines set by NAAQA

- Will grant the power to manage the Admission of students
- Will grant the power to regulate Academic work-load between (i) learning and teaching and (ii) research and knowledge transfer to support the mission of university
- Will establish internal quality assurance of teaching and learning, and research and knowledge transfer

### **1.11.1. National credit and qualifications framework**

The proposed national credit and qualifications framework is presented in Table 1.2 and explained below:

- **„Short cycle” qualification:** higher education study programs lasting 1-2 years/60-120 ECTS. The learning outcomes correspond to the qualification level 5 of EQF and ISCED-2011.
- **Bachelor degree:** a first cycle degree should be an acceptable and normal exit qualification equipping graduates for the labour market. It may be 180-240 ECTS (3-4 years of full-time education), depending on the general field of study. Studies are finalized with the granting of the bachelor’s degree diploma and title in the scientific field defined in the program. Programs correspond to the qualification level 6 of EQF and ISCED-2011 (see also EHEA QF and the Dublin descriptors).

Graduates may also be awarded a certificate of practical training.

- **Master degree:** these study programs may be 90-120 ECTS. The total credits for study programs in cycles I and II will not normally be less than 300 ECTS. The programs correspond to the qualification level 7 of the EQF and ISCED-2011, containing elements of scientific research (see also EHEA QF and the Dublin descriptors).
- **Doctoral degree:** these study programs correspond to cycle III of higher education, corresponding to the qualification level 8 of EQF and ISCED-2011. The duration of studies is normally three years- 180 ECTS.
- **Integrated study programs** are provided by universities in fields regulated at European level (medicine, veterinary medicine, architecture), normally these will amount to at least 300 ECTS, and are finalized with the granting of the diploma and title equivalent to the master’s degree.

Table 1.2. *National credit and qualifications framework*

<b>Studies</b>	<b>ISCED-2011, EQF NQF OF RM</b>	<b>Institution offering the programme</b>	<b>EHEAQF (Bologna)</b>	<b>Duration in ECTS</b>	<b>Education document, title offered</b>
Primary education	1	Primary school			Certificate
Lower secondary education, cycle I	2	Gymnasium			Certificate of gymnasium studies, Certificate of profession
Upper secondary education, cycle II (lyceum education) or secondary technical and vocational education and training (2-3 years)	3	Lyceum, vocational school			Baccalaureate diploma; Certificate of vocational secondary education
Non-tertiary post-secondary technical and vocational education and training	4	Colleges			Diploma of vocational secondary education
Higher education „short cycle”	5	Universities	Short cycle	120	Short cycle
Bachelor’s studies	6	Universities	Cycle I	180 -240	Bachelor’s degree
Master’s studies	7	Universities	Cycle II	90-120	Master’s degree
Doctoral studies	8	Universities	Cycle III	180	Doctoral (PhD) degree

The General Qualifications Framework of the Republic of Moldova will be changed with regard to qualification levels 3, 4 and 5 and brought in line with the European Qualifications Framework and ISCED 2011.

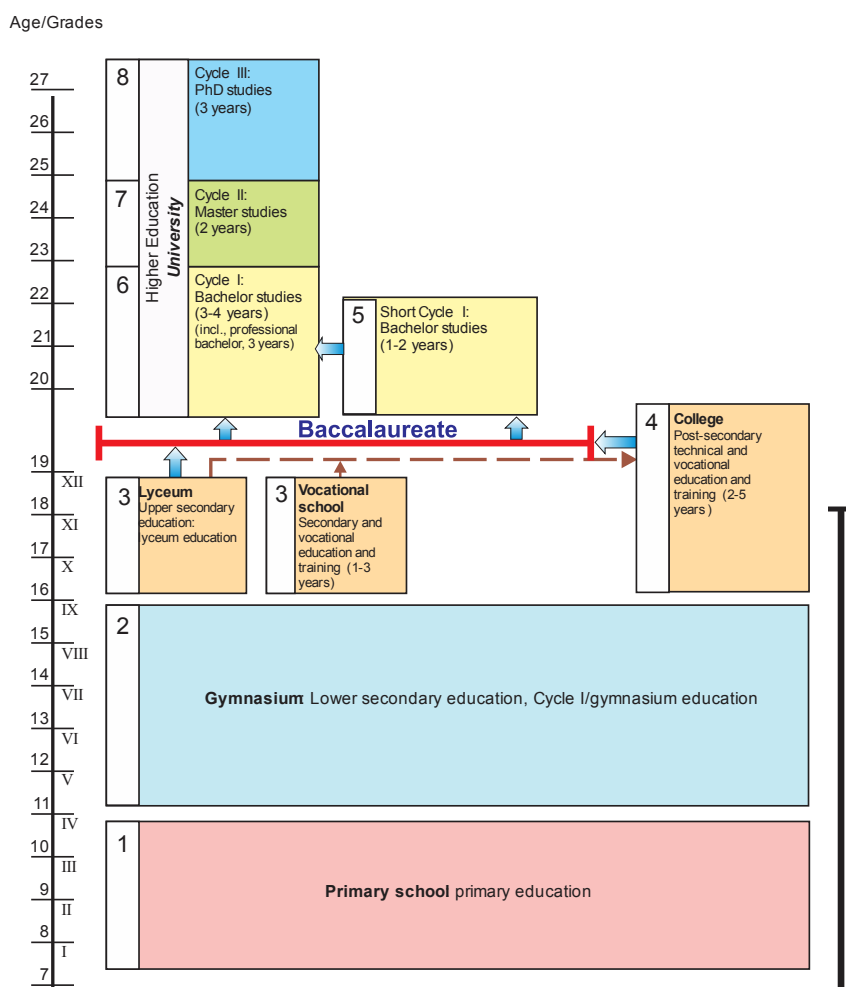


Figure 1.4. Access to different levels of education

### 1.11.2. Education level progression and exits

The education levels 1, 2, and 3 are obtained through primary, gymnasium, and lyceum education or secondary technical and vocational education and training (vocational school). In college the duration of studies is 4-5 years after gymnasium or up to 2 years after lyceum or vocational school of 3 years. Baccalaureate examinations can be also passed in the college. Studies are finalized with a diploma of qualification of vocational secondary education, corresponding to the qualification level 4 of ISCED-2011.

Holders of Baccalaureate diplomas or other equivalent documents have access to higher education (short cycle, bachelor's degree degree).

Candidates may apply to several study programs simultaneously in several universities.

- One of the requirements for admission to doctoral programs will be the advanced knowledge of English.
- The Nomenclature of doctoral training areas will be brought in line with the classifier ISCED-F-2013 and the approved Nomenclature for bachelor's and master's degree studies.

## 1.12. HR Autonomy

Following the basic principles of HE sector as well as universities powers and responsibilities (*for more details see sections 1.4 and 1.7*), public universities are free to:

- Appoint, review and evaluate academic and non-academic staff
- Establish titles, levels, career path, including criteria for tenure, and conditions of appointment, including remuneration subject to national legal requirements for all staff (academic and technical)
- Establish effective staff development and training programs

## Appendix

### Appendix 1.1. Independent research councils

Council	Disciplines
Humanities	Art history, architecture and design, media science, musicology, ICT in the humanities, comparative literature, dramaturgy, philology, linguistics, communication research,, anthropology, ethnology, archaeology, history, philosophy, history of ideas and science, theology, comparative religion, educational theory, psychology and other related research disciplines within the humanities, such as library research, museology, as well as humanistic research within sports science, public health, urban and physical planning.
Social Sciences	Economics, sociology, political science and legal theory, as well as the societal aspects of various interdisciplinary subjects (e.g. communication studies, development studies, gender studies and cultural geography).
Natural Sciences	Natural sciences, computer science and mathematics, with an epistemological, but not necessarily an applied scientific objective; astronomy, physics, chemistry, mathematics, computer science, molecular biology, biochemistry and -physics, biology, geology as well as the natural science aspects of geography.
Medical Sciences	Basic, translational, clinical and socio-medical research in relation to human health and disease
Technology and Production Sciences	Basic research within technology and production sciences which is: a) motivated by a specific problem or having a clear application-oriented perspective; and b) aimed at solving a specific problem, developing new technologies and production systems or new ways of meeting the needs of society. Epistemological research without any application oriented perspectives and development activities will not be supported by TPS.

Source: Danish Council for Independent Research (<http://goo.gl/zEhQ8d>)

### Appendix 1.2. Case study of rationalization of HE in Denmark

- In 2002, the new law on universities is approved in Denmark. One of its main features was the introduction of Governing Boards to enhance accountability, check and balance, and efficiency.
  - It was recommended the formation of a Chairmen's Council; Anders Knutsen, Chairman of Copenhagen Business School, being elected as the first Chairman of Chairmen's Council. The Chairman of Chairmen's Council will meet the Minister



once a month, and once a quarter with the Chairman of Rectors' Council to discuss inter alia the implementation of legislation, financing of HEIs, and study program implementation.

- In addition to the audit conducted by the state, the newly formed boards asked for independent, private audit of university accounts. The latter allowed identifying a number of inefficiencies in organizational and financial management.
- A number of board formation principles were institutionalized: majority of members shall be external; the composition of board members (external) should reflect the Danish society, not only business, but also public (central and local) administration, public institutions and governmental structures, renowned international scholars, business persons or public figures from other countries; students, academic and technical staff shall be also members of the boards, respecting the gender principle.
- As of 2002, rectors will have max 2 terms with same university (irrespective of future changes in legislation); first term of 5 years; second term of 3 years (before 2002, rectors and deans were appointed for unlimited terms).
- In early 2000s, a Globalization Council was formed aimed to address globalization and internationalization pressures/challenges, and identify possible responses to these challenges. This council met with the Prime Minister once a month. One of the outputs of this research/consultation process was that Danish universities need to become more efficient, competitive, and better reflect the needs of business and society at large.
- Following that emergent need to reform/rationalize the higher education sector, in January 2006, the Minister of Higher Education wrote letters to 11 universities and 15 research institutes/centers, asking them to discuss/examine the possibility of merger. Chairmen's and Rectors' councils, as well as academic and technical representatives of universities took part in discussions/rationalization process. The negotiation and rationalization process took place without an external negotiator. Universities were given 12 months to merge; after this period the Ministry would step to finalize the process for universities/research institutes (this did not happen as the merger/rationalization process was finalized voluntarily in time).
- The first merger took place between University of Pharmacy, University of Agriculture and University of Copenhagen. University of Pharmacy and University of Agriculture were disestablished and joined University of Copenhagen that strengthened its position as a classical university. Some of the rectors of absorbed universities have become deans of faculties.
- Regional universities such as University of Southern Denmark (Odense) and Aalborg University (Aalborg) stayed. A number of research institutes and a research center from Danish Technical University wanted to join Aalborg University (AAU)

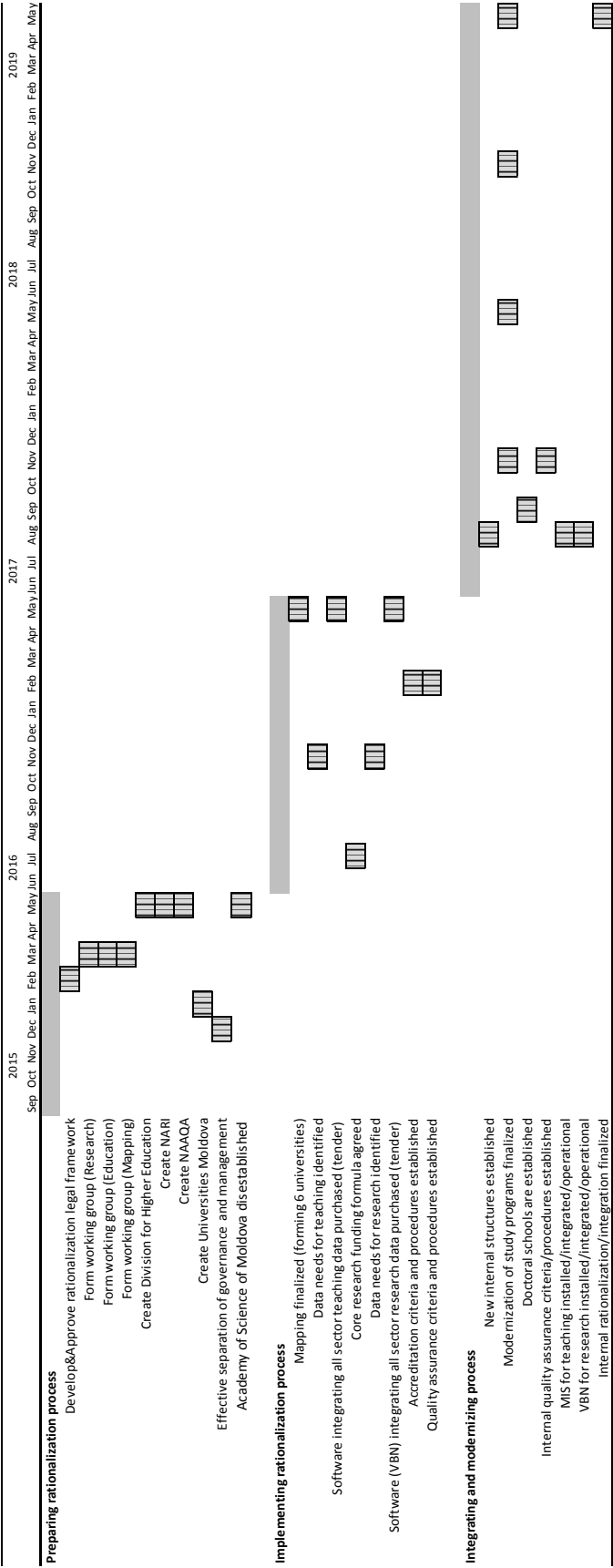
– located in the Northern part of Denmark – which led to the creation of a large campus of AAU in Copenhagen.

- There was an instance when a university remained unchanged as no perfect merger match was found.
- The Minister suggested that the Pedagogical University (in Copenhagen) mergers with the Copenhagen Business School (CBS); but the Pedagogical University decided to merge with Aarhus University (located app. 200 km north-west of Copenhagen).
- CBS proposed a merger with the IT University or the Aarhus Business School, but the two turned the proposal down. The Minister would prefer a merger between CBS and the University of Copenhagen, but CBS turned that down and in the end stayed independent. So did the IT University; the Aarhus Business School merged with Aarhus University.
- As a result of rationalization/merger process, 8 universities were formed.
- Out of 15 research institutes, 2 stayed independent and the rest joined the newly formed/rationalized 8 universities.
- The rationalization/merger process was finalized in 12 months.
- It went without any bad publicity; Students and labor unions had no objections to the merger/rationalization process, because neither employees (there were no dismissals) nor students were affected, it had only a positive effect.
- The integration process within the merged universities took app. 3 years.
- In the process of rationalization, state funding was not reduced; in fact constantly increased, including additional 1% of GDP for research.

Key rationale for merger/rationalization:

- Danish universities were becoming less competitive internationally and globally, being constantly ranked low in international standings;
- Inefficient, scattered use of public funding (higher education is publicly funded)
- Lack of synergy in research and low level of research impact
- Growing gap between university and real, business/society world
- No attractive to international scholars (for many reasons explained above)

Appendix 1.3. Road map



Appendix 1.4. Rationalization mapping: An example

	Academy of Economic Studies	Moldova State University	State University of Medicine and Pharmacy	Technical University of Moldova	Balti State University	Cahul State University
1. Academy of Economic Studies	Specialization in Business and Economics	Law		Cybernetics and Computer Science		
2. Moldova State University	International Relations, Political and Administrative Sciences Economics	Specialization in Pedagogy, Education Sciences, Law, Journalism, Art		Computer Science		
3. State University of Medicine and Pharmacy „N. Testemitanu”			Specialization in Medicine			
4. Technical University of Moldova	Economics			Specialization in Technology and Engineering		
5. Balti State University					Regional University	
6. Cahul State University						Regional University
7. Agrarian State University of Moldova	Economics Accountancy	Law	Veterinary medicine	Technology Auto/Transport Cadaster		

	<b>Academy of Economic Studies</b>	<b>Moldova State University</b>	<b>State University of Medicine and Pharmacy</b>	<b>Technical University of Moldova</b>	<b>Balti State University</b>	<b>Cahul State University</b>
8. Institute of International Relations of Moldova	1. International Relations, Political Sciences 2. World Economy and International Economic Relations	1. Law 2. Foreign languages				
9. University of Academy of Sciences of Moldova		1. Natural Sciences 2. Exact Sciences 3. Socio-humanities Sciences		Computer Science		
10. State University of Physical Education and Sports			Kinetotherapy	Protection, Safety and Security	Pedagogy	Sport (Pedagogy)
11. Academy of Music, Theatre and Fine Arts		Instrumental art, composition and musicology Vocal art, directing and music pedagogy Theatre, film and dance Plastic arts				
12. State University of Comrat						Subsidiary of Cahul State University

	Academy of Economic Studies	Moldova State University	State University of Medicine and Pharmacy	Technical University of Moldova	Balti State University	Cahul State University
13. State University of Taraschia						Subsidiary of Cahul State University
14. State University of Tiraspol (based in Chisinau)		Physics Mathematics Biology and Chemistry Geography		Information Technologies	Pedagogy Philology	
15. State Pedagogical University „I. Creanga”		Plastic Arts and Design Exact Sciences History and Geography Psychology and Special Psychopedagogy		Information Technologies	Pedagogy Foreign Languages and Literatures Philology	
16. Institute of Continuing Education	Economics Business	Foreign Languages Law Psychology		Information Technologies		Economics Business
17. Institute of Education Sciences		Mathematics and Sciences Psychopedagogy and Education Management			Preschool Education and Primary Education Language and Communication Social, Artistic and Technological Education Psychopedagogy and Education	Preschool Education and Primary Education (Social, Artistic and Technological Education Psychopedagogy and Education)

	Academy of Economic Studies	Moldova State University	State University of Medicine and Pharmacy	Technical University of Moldova	Balti State University	Cahul State University
18. Academy “Stefan cel Mare” of the Ministry of Internal Affairs		Criminal Sciences Special Investigation Police and Society Legal Sciences			Sport: Physical Training and (Special) Tactics	
19. Military Academy of Armed Forces “Alexandru cel Bun” If these relates to technology (education), they could be placed at TUM: Infantry Artillery Transmissions Border Guard Carabineers (alternatively – in regional universities)						
20. Academy of Public Administration	Management International relations ICT Management in public administration	Constitutional law Public administration law Anticorruption Public administration			Public administration	



	<b>Academy of Economic Studies</b>	<b>Moldova State University</b>	<b>State University of Medicine and Pharmacy</b>	<b>Technical University of Moldova</b>	<b>Balti State University</b>	<b>Cahul State University</b>
21. Research institutes of the Academy of Sciences of Moldova	National Institute of Economic Research	Central Scientific Library „A Lupan” Legal and Political Research Institute Institute of Chemistry Institute of Ecology and Geography Institute of Philology Institute of Applied Physics Institute of Geology and Seismology Institute of History Institute of Mathematics and Computer Science Institute of Cultural Heritage Institute Botanical Garden Institute of Genetics, Physiology and Plant Protection Institute of Zoology	Institute of Physiology and Sanocreatology Microbiology and Biotechnology	1. Institute of Power Engineering 2. Institute of Mathematics and Computer Science (Informatics) 3. Institute of Electronic Engineering and Nanotechnologies		

## **2. COMMENTARY ON EDUCATION CODE OF THE REPUBLIC OF MOLDOVA**

### **2.1. Introduction**

The following commentary on the Code is restricted to (i) the sections on Higher Education and (ii) those clauses with relevance to the EUniAM report and recommendations, and (iii) comments on clauses which raise issues not directly addressed in the EUniAM project, but which are relevant to the EUniAM project recommendations.

The commentary does not take into account the legal, political, cultural and historical background to the Code. It is evident that there were lengthy discussions and consultations preceding its enactment and that this may have resulted in compromises which would help to explain apparent anomalies and contradictions in the text.

Although the Code proclaims that it is the basis for establishing autonomous institutions, there remain significant restrictions on institutional autonomy. It is understood that as the primary funder of the Higher Education sector, setting the national strategic goals and concerned to ensure effective outcomes the Minister must retain responsibilities and powers, but the extent of regulation represented in the Code could be argued to conflict with the principles of autonomy which the Code proclaims and to impede the development of fully responsible autonomous institutions.

The detail in the Code on some topics and the areas which are subject to Ministerial regulation and/or review retain a level of bureaucracy and control which may have historical justifications, but which may seriously limit modernisation and innovation and will not encourage embedded institutional ownership and willingness to promote change because so many areas are subject to external regulation.

The EUniAM recommendations recognise the interdependence of the Ministry and the Universities and address these relationships and the powers and responsibilities of the Ministry, juxtaposed with the powers and responsibilities which should be allocated to autonomous Universities. This process should be considerably facilitated by the proposed restructuring of the sector with fewer integrated Universities.

Perhaps the main area of concern, in the Code, relates to the hybrid and ambiguous Governance structures. The Code establishes a hybrid body, the Strategic and Institutional Development Council, which is not an effective Governing body.

While there is voluminous detail on definitions of workload, the Code has little detail on the role and powers of the Rector concentrating on the mode of election, period of office and procedures for dismissal. As the commentary attempts to indicate, the Code does not provide either an understanding of or a clear separation between Governance and Management. The role of the Rector is central to such a separation.

The EUniAM proposals, in contrast, provide for a clear separation between Governance and Management. They outline the structure, powers and responsibilities of the Governing

Body (the University Board) and of the Rector and the relations between the Rector and the Governing Board. They make clear that the Rector is appointed (employed) by the Governing body (and not the Minister) and is consequently responsible and accountable to the Governing body.

As the commentary indicates, the EUniAM report is silent on the question of who is the „employer” of the staff (academic and non-academic) in a University. Normally the formal employer might be expected to be the Governing body, which would delegate responsibility. This has implications for the legal status of a University, which is not addressed either in the Code or the EUniAM report.

One further caveat should be noted. The commentary is based on the English translation and this may explain some of the difficulties in interpreting the objectives of the legislation.

## **2.2. Article 3. Basic notions**

### **Commentary**

It would be helpful if the concept of „Founder” could be defined in this Article as it seems to be used in the Code in a variety of ways.

## **2.3. Article 15. Types of the educational institutions**

### **2.3.1. Excerpt from the Code**

(1) In accordance with the education structure, the educational institutions shall be classified as follows:

k) Higher education institution – university, academy of studies, institute, high school, school of higher studies and others.

### **2.3.2. Commentary**

The EUniAM proposal for rationalising and merging Universities would mean that all Higher Education would be incorporated in one of the 6 (+1) Universities. This would simplify structures and ensure effective direction, integration, quality assurance and enhancement of all Higher Education.

It would facilitate progression from short cycle to first cycle and second cycle qualifications and help to facilitate „permeability” between vocational and academic tertiary education. It would remove institutional status differentiations which are inappropriate in a country committed to the principles of equity, equality, social inclusion, unity and integrity of the educational space enunciated in **Article 7 Fundamental principles of education**.

## **2.4. Article 16. Assessment and grading system**

### **2.4.1. Excerpt from the Code**

(1) In the higher education, additionally to the national grading system, the European Credit Transfer and Accumulation System grading scale shall also be used with recommended grades (A, B, C, D, E, FX, F), necessary to fill in the diploma supplement and to ensure the academic mobility, according to the following:

- a) A: 9,01-10,0;
- b) B: 8,01-9,0;
- c) C: 7,01-8,0;
- d) D: 6,01-7,0;
- e) E: 5,0-6,0;
- f) FX: 3,01-4,99;
- g) F: 1,0-3,0.

### **2.4.2. Commentary**

The EUniAM report endorses the use of ECTS and the new ECTS Guide (Yerevan 2015). The scale quoted in this Article 16 is seriously out of date. It was an equivalence and not a grading scale. It was abandoned in the ECTS Guide published in February 2009. In the new ECTS Guide Universities are urged to use a statistical profile to help in the translation and transfer of grades. The European Commission is currently funding a project – the EGRACONS project which has developed a tool for the conversion of grades for mobile students. Universities in Moldova will be encouraged to use this tool but it does not specify a grading scale. Indeed it recognises the differences between countries and institutions and the right of Universities to determine their own scales. It should also be stressed that a grading scale needs to be accompanied with grade descriptors which make transparent to learners and stakeholders the basis and implications of each grade in relation to the achievement of the learning outcomes.

## **2.5. Article 75. Mission of the higher education**

### **2.5.1. Excerpt from the Code**

(1) The higher education is a key factor for the cultural, economic and social development of knowledge-based society and is a promoter of human rights, sustainable development, democracy, peace and justice.

(2) The higher education shall be aimed at:

- a) creation, keeping and dissemination of knowledge at the highest level of excellence;
- b) training of highly qualified specialists competitive on the national and international labour market;

- c) creation of life-long training opportunities;
- d) keeping, development and promotion of the national cultural and historical values, in the context of cultural diversity

### 2.5.2. Commentary

EUniAM endorses these principles and encapsulates them in the report in the following form:

- „The mission of a contemporary university is:
- Student-centred, research-based learning and teaching based on learning outcomes
  - Research – fundamental and applied
  - Knowledge transfer”

## 2.6. Article 76. The general structure of the higher education

### 2.6.1. Excerpt from the Code

(1) The higher education shall be organized in two fields: academic and advanced professional.

(2) The higher education shall be structured in three cycles:

- a) cycle I – Bachelor’s degree (ISCED level 6);
- b) cycle II – Master’s degree (ISCED level 7 );
- c) cycle III – doctoral degree (ISCED level 8 ).

(3) The research, development and innovation activities shall be carried out within the doctoral and postdoctoral training

### 2.6.2. Commentary

In addition to the cycles cited above, EUniAM incorporates the short first cycle qualification which was endorsed by Ministers in Yerevan in May 2015. It also abandons the distinction between „*academic*” and „*advanced professional*”, which it considers as inappropriate in an integrated, reformed Higher Education system and that is contrary to the principles on which the Code is based (see comments under Article 15 above).

Similar points might be made about **Article 77 Organization of the higher education** and **Article 78 Organizational forms of the higher education** which seem over prescriptive and do not accommodate the possibility of blended learning in all cycles – doctoral study as prescribed in the Code may only be full-time or part-time, whereas increasingly in many fields the potential for distance and blended learning at the doctoral level is being realised. This is an example of legislative prescription, which, under the EUniAM proposals, would be left to the decision of the University.

## 2.7. Article 79. University autonomy

### 2.7.1. Excerpt from the Code

(1) The higher education institutions shall have the status of university autonomy.

(2) The university autonomy is the right of the university community for organization and self-management, exercising the academic freedoms without any ideological, political or religious interferences, assuming a set of competences and obligations in line with the national strategies and policies for the development of the higher education.

(3) The university autonomy shall encompass the areas of management, structuring and functioning of the institution, teaching and scientific research activity, administration and financing, and shall be mainly performed through:

- a) organizing, conducting and improving the educational and scientific research process;
- b) establishing specialties;
- c) developing curriculum and analytical programs *in line with the state educational standards* (author's italics);
- d) organizing admission of students, taking into account the specific criteria to the profile of the higher education institution;
- e) selecting and promoting the teaching, scientific-teaching and scientific staff, as well as the other categories of personnel in the educational institution;
- f) establishing the assessment criteria for the teaching and scientific activity;
- g) awarding teaching degrees;
- h) eligibility of all management bodies by secret voting;
- i) solving social problems of students and staff;
- j) ensuring order and discipline in the university;
- k) finding additional sources of income;
- l) establishing cooperation relationships with various educational and scientific institutions, centre and organizations in the country and abroad.

(4) Financially, the university autonomy shall be carried out by:

- a) administrating the financial resources through bank accounts, including transfers from the state budget;
- b) using the available resources to carry out the statutory activity, according to own decisions;
- c) accumulating own income from fees, provided services, performed works and other specific activities, according to the classification of provided services approved by the Government;
- d) administering institution's property and ensuring the optimal conditions for the development of the institution's material resources;
- e) using the institution's property and the related rights to achieve the statutory purposes of the higher education institution.

(5) The educational institutions in the military, security and public order fields shall have the university autonomy within the limits set in the regulatory framework of the relevant authorities.

### 2.7.2. Commentary

In 3.c above, the requirement for state educational standards seems to be in direct conflict with the principle of curriculum autonomy.

The Code proclaims university autonomy (as indicated above), but does not ensure a „Clear separation between university governance, leadership and management”. Nor does it establish the legal identity of the University. It may be a translation problem but it is difficult to interpret the nature of the legal entity constituted by a university from the sentence „The higher education institutions shall have the status of university autonomy”. Autonomy is subsequently defined in terms of „rights” and not legal identity. This ambiguity is possibly the result of compromise and is apparent in other parts of the Code, which proclaim autonomy on the one hand but limit it considerably on the other.

The legislative proposals in the EUniAM project are based on the following principles:

- „A clear distinction between the roles and responsibilities of the Government and the Universities reflected and enforced through regulation and institutional university autonomy
- A clear separation between university governance, leadership and management”

The EUniAM proposals (below) seek to reflect these two principles and should be contrasted with those specified in the Code:

„Implementing the principle of a clear separation between university governance and management the University will establish an effective organizational and management structures, which will include a university governing body and the appointment of the Rector.

The University will keep the organisational and management structures under review to ensure that they remain fit for purpose.

University governing body (University Board):

- Composition 9 -15 members internal and external (majority external)
- Chaired by an external member
- Rector member ex officio
- Clear terms of reference
- Subject to external periodic review
- Code of practice and training for members
- Period – 4 years (members could be re-elected for second term of 4 years)
- The process should ensure a rotation of membership to ensure continuity i.e this would mean that normally 25% of the members would retire each year

University Board (governing body) is unambiguously and collectively

- Responsible for overseeing the university’s activities and will ensure that the responsibilities and powers outlined above are exercised in accordance with the contract with the Division of Higher Education and Core Research Funding Unit and to fulfil the mission of the university



- It will establish a code of practice and ethics for its members
- It will establish a medium term – four year strategic plan and monitor the delivery of the plan
- It will establish a system for risk management and control which will include the prevention and detection of all forms of corruption and action which undermine the integrity of the university
- It will ensure that there is an effective annual external audit of the university accounts
- It will ensure that the university has established procedures to ensure the quality of learning and teaching, research and knowledge transfer
- It will establish appropriate performance indicators for all aspects of the university work
- It will monitor performance and value for money

University Board is responsible to MERI for the sound performance, financial management, and operation of the university and for ensuring that the terms of the contract with the Division for Higher Education are fulfilled

- It will provide an annual financial report in the form and at the time specified by the Higher Education Division
- It will provide annual data reports and management information in the form and at the time specified by the Higher Education Division
- It will present its strategic plan to the Division of Higher Education
- It will present the annual report of the external auditors to the Division for Higher Education after it has been reviewed by the Governing Body
- It will report to the Division for Higher Education any cases of fraud or corruption that are detected with a statement of the action to be taken
- On a five year cycle, it will provide a comprehensive review report to the Division of Higher Education on the achievements of the university with particular reference to the strategic plan. It will ensure that the university complies with all agreed audit and financial reporting
- It will ensure that the university estate is developed, enhanced and maintained for the benefit of the whole university community

Appointment of the Rector:

- The Rector is the Chief Executive appointed in open competition by the University Board
- Fixed term appointment – five years term renewable for a further three years term (maximum 2 terms eight years per HEI)
- Clear job description and performance criteria
- The Rector is responsible to, reports to and is evaluated by the University Board

Rector is responsible to University Board for:

- Establishing the internal management and academic structures agreed by the Governing Body
- The overall leadership and management of the university
- The implementation of the strategic plan throughout the university
- Ensuring the development and sustainability of the academic, organizational, financial and human resource autonomy of the university
- The management of all the university resources
- The development and public presentation of the university and all aspects of its work
- Representing the university and promoting its interests nationally and internationally
- Establishing and leading a high quality, performance driven, senior management team
- Ensuring that the Governing Body is provided with detailed accurate timely data on university performance in all areas of its work
- Providing an annual performance report
- Developing effective communication and integration of students and staff in the work of the university
- Diversifying the sources of income and generating an operational surplus
- Appropriate delegation of responsibilities and authority
- Leading the preparation of the University strategic plan for submission to and approval by the Governing Body”

## **2.8. Article 82. Categories and types of institutions**

### **2.8.1. Excerpt from the Code**

(1)The higher education shall be organized in universities, academy of studies, institutes, schools of higher studies and others (hereinafter – higher education institutions or universities).

(2)The higher education institutions shall be established, reorganized and closed down by the Government, at the founder’s initiative.

(3) Depending on the higher education programs provided, the higher education institutions shall be assigned one of the following categories:

- a) category A;
- b) category B;
- c) category C.

(4) The higher education institution shall be of category A if it:

- a) provides higher education in one or more professional training areas;
- b) carries out research, development, innovation and artistic creation activities;

c) provides Bachelor's, Master's, and Doctoral degree programs.

(5) The higher education institution shall be of category B if it:

a) provides higher education in one or more professional training areas;

b) carries out research, development, innovation and artistic creation activities;

c) provides Bachelor's and Master's degree programs.

(6) The higher education institution shall be of category C if it:

a) provides higher education in one professional training area;

b) carries out research or artistic creation activities;

c) provides Bachelor's degree programs.

(7) As an exception to the categories listed in the paragraph (3), the Academy of Public Administration shall provide Master's degree programs, doctoral degree programs and continuous professional development programs for the civil service staff, and shall provide scientific and methodical support to the activity of the public authorities.

(8) The category of the higher education institution shall be assigned as a result of the external quality assessment process in order to accredit the study and institutional programs, and shall be approved by the Government Decision.

(9) The newly established institutions shall be assigned the category C until the institutional accreditation.

### **2.8.2. Commentary**

While there may be good historical reasons for this cumbersome and discriminatory categorisation, the EUniAM project indicates that it is no longer appropriate. The EUniAM proposals would establish the University as the integrative entity for higher education and remove this categorisation for reasons explained under **Article 15** and **Article 113** and embodied in the more detailed discussion of the case for the Rationalisation of Higher Education in Moldova (see the full report).

## **2.9. Article 83. Assessment of institutions**

### **2.9.1. Excerpt from the Code**

a) ranking the higher education institutions by categories within the accreditation procedure;

### **2.9.2. Commentary**

This would not be necessary if the EUniAM proposals are adopted (see also comments on Quality Assurance and Accreditation below).

## **2.10. Article 88. The credit transfer and accumulation system**

### **2.10.1. Excerpt from the Code**

(3) The higher education institutions may accept the transfer of up to 30 ECTS credits accumulated during the training in the post-secondary and post-secondary non-tertiary technical and vocational education and training, according to the regulatory framework in force.

(4) The methodology for applying the credit transfer and accumulation system shall be approved by the Ministry of Education.

### **2.10.2. Commentary**

The transfer limit proposed in the Code is arbitrary and does not take into account or give primacy to an assessment of the learning outcomes and competences which have been achieved through formal and informal learning and experience.

Clause 4 is a further example of the way in which the Code effectively limits the academic autonomy of the University through Ministerial regulation of Credit transfer and Accumulation. In so far as it relates to admission to the University it also appears to conflict with **Article 79 (3) d)** which appears to grant Universities autonomy in the admission of students.

The EUniAM proposal would grant explicit power and responsibility to the University for:

Developing, encouraging, promoting a variety of modes of study including distance and blended learning, part- time study, work based learning, continuous professional development and other forms of life- long learning

Recognition of prior formal and informal learning and experience

This formulation not only recognises the range of modes of life-long learning but means that a University is able to respond to changing societal needs, the impact of new modes of learning (e.g., MOOCs) and cooperate with business and industry in flexible and innovative ways and recognise and accredit all learning at the appropriate level.

See comments above under **Article 16: Assessment and grading system** and below under **Article 122: General framework for lifelong learning**.

## **2.11. Article 94. Cycle III – doctoral higher education**

### **2.11.1. Excerpt from the Code**

(1) The doctoral degree programs shall be organized in doctoral schools and shall be funded through distinct mechanisms. The doctoral schools shall be organized within the higher education institutions, as well as within the national and international consortiums or partnerships, including the research and innovation organizations.

(2) The doctoral schools shall be organizational and administrative structures, established by the institutions organizing doctoral degree programs in a special area or interdisciplinary areas.

### **2.11.2. Commentary**

EUniAM proposes that Doctoral Education and Doctoral Schools should be integrated within the new merged public Universities and play a key role in the development of research based learning and teaching in all cycles. Doctoral education is integral to the research dimension of a University and needs a critical mass to be able to provide the resources for the range of Doctoral training required and to provide the environment to stimulate and support Doctoral candidates.

### **2.11.3. Excerpt from the Code**

- (5) The doctoral degree programs can be of two types:
  - a) PhD in science, which encompasses the production of original and internationally recognized scientific knowledge. The PhD in science shall serve as a pre-condition for the professional career development in the higher education and research;
  - b) PhD in arts or sports, which encompasses the production of original knowledge based on scientific methods and systematic reflection related to some artistic creations or sport performances at the national and international levels. PhD (professional doctorate) could serve as basis for professional career development in higher education and research in arts and sports area.

### **2.11.4. Commentary**

This is another example of a conservative restriction which does not recognise the variety of Doctorates and routes to a doctorate, which are now available and which open opportunities in all subjects for innovative approaches to Doctoral education. Both in **this Article** and **Article 89** relating to Masters degrees the admission requirements are restrictive and based on formal academic qualifications. There is no acknowledgement of the potential for the recognition of life-long learning knowledge, understanding and competences providing equivalent qualities. Here again the Code is not consistent. EUniAM proposes that decisions on these matters should be an aspect of the academic autonomy of the University.

### **2.11.5. Excerpt from the Code**

(10) The enrolment plan for doctoral higher education funded by the state budget shall be approved by the Government.

(11) The person holding the doctoral degree or habilitated doctoral degree may act as a doctorate mentor. The methodology for approval of doctorate mentors shall be approved by the Government.

(12) Doctoral higher education shall end with a publically defended PhD thesis, award of PhD (in the respective field), and issuance of PhD diploma by the institution organizing the

doctoral degree program, following the confirmation of the national authority empowered to confirm the scientific titles.

(15) The PhD degree shall confer the right to be enrolled in the postdoctoral programs.

(16) The regulation for organization and implementation of the doctoral and postdoctoral programs shall be developed by the Ministry of Education and shall be approved by the Government.

### **2.11.6. Commentary**

This article contains examples of the restriction of University autonomy. Enrolment, the process for approving Doctoral mentors and confirmation of the award of a doctorate all require Government approval. The process outlined in the Code undermines the exercise of autonomy and is protracted and bureaucratic. It is difficult to understand why this should be considered necessary if the University is accredited and has to undergo rigorous quality assurance. If the EUniAM proposal for the appointment of external examiners for Doctoral examinations is implemented there would be a further safeguard of standards.

Clause 15 seems out of place in the legislation and there may be a translation issue, but it seems unlikely that the legislator would wish to confer a „right” to enter a post-doctoral programme on the holder of a Ph. D. It is probable that the intention is to say that the award of a Ph. D confers „eligibility” or „is a criterion for selection” for such programmes.

## **2.12. Article 95. Postdoctoral programs**

### **2.12.1. Excerpt from the Code**

(2) The postdoctoral programs are meant for holders of PhD diploma in science and shall last for at most 3 years.

(6) The postdoctoral programs shall end with publically defending the PhD thesis or based on published scientific works. The PhD title shall be awarded by the institution organizing the postdoctoral programs. The confirmation of title and issuance of diploma shall be carried out by the national authority empowered to confirm the scientific titles.

### **2.12.2. Commentary**

This article looks like a piece of mistaken drafting or translation with internal contradictions; e.g., clauses (2) and (6) contradict each other.

Here too, adoption of the EUniAM recommendations would make these clauses redundant since Universities would be responsible for all aspects of post-doctoral programmes.

## **2.13. Article 96. State educational standards in the higher education**

### **2.13.1. Excerpt from the Code**

(1) The higher education shall be organized and shall be carried out based on the content standards, standards for competence, national reference standards and accreditation standards.

(2) The content standards and standards for competence shall be developed by the Ministry of Education by fields of professional training and shall be approved by the Government.

(3) The national reference standards and the accreditation standards shall be developed by fields of professional training by the National Agency for Quality Assurance in Professional Education, being coordinated with the relevant ministries and shall be approved by the Government.

### **2.13.2. Commentary**

In this article the Code appears to give the Ministry full power to develop and veto content and standards which does not accord with the concept of curriculum autonomy developed by EUniAM.

Prima facie the article seems to be an example of the erosion of University autonomy in curriculum planning and development, but it depends on what precisely is understood by the terms in the Code. Subject benchmark statements and generic and subject specific competences may be appropriate provided that they do not impede innovative curriculum development and an ability to respond quickly to changes in the subject and new stakeholder demands. Regulated professions will also wish to safeguard the public by setting professional standards. In both cases there should be provision for dialogue between University academic and research staff and those stakeholders who are concerned.

The EUniAM proposals for Academic autonomy make clear the powers and responsibilities that should be exercised by Universities:

„In conformity with the basic principles of the HE sector and the powers and responsibilities of Universities defined above (*for more details see sections 1.4 and 1.7*) University Academic Autonomy:

- Will grant – subject to formal accreditation – the power to award degrees in all cycles, (short cycle/Bachelor cycle, Master and Doctoral), which are student-centred, based on learning outcomes and develop competences for employability, established by universities in line with Quality Assurance and Enhancement guidelines set by NAAQA
- Will grant the power to manage the Admission of students
- Will grant the power to regulate Academic work-load between (i) learning and teaching and (ii) research and knowledge transfer to support the mission of university
- Will establish internal quality assurance of teaching and learning, and research and knowledge transfer”



## **2.14. Article 97. National Framework of Qualifications**

### **Commentary**

EUniAM proposes a *new* National Qualification Framework.

## **2.15. Article 100. Internships**

### **2.15.1. Commentary**

This article does not mention the need to assess and to award ECTS credits for integrated work placements (internships). Nor does it envisage the potential for developing „work based” degrees in collaboration with employers both of which are envisaged in the EUniAM proposals and the new ECTS Guide.

### **2.15.2. Excerpt from the Code**

(2) The internships shall be organized by the higher education institutions and shall be carried out within institutions, organizations, companies, associations, and other structures, according to the framework regulation approved by the Ministry of Education.

### **2.15.3. Commentary**

The Code continues to allocate powers to the Ministry in the field of internships as in the clause above. While the Ministry may wish to protect students from exploitation it would be less cumbersome, more flexible and facilitate future change to require the University to ensure the safeguarding of student interests.

## **2.16. Article 101. Higher education management**

### **2.16.1. Excerpt from the Code**

- (2) The higher education management shall be focused on the following principles:
- a) the principle of institutional autonomy and academic freedom;
  - b) the principle of public responsibility;
  - c) the principle of strategic leadership;
  - d) the principle of efficient and transparent management.

### **2.16.2. Commentary**

However, the Code circumscribes „institutional autonomy” in ways which could be said to conflict with the principle. The EUniAM proposals seek to address these anomalies.

## **2.17. Article 102. System of management bodies in higher education institutions**

### **Commentary**

This prescribes the various bodies which must be established and does **not** as EUniAM proposes leave it to the Governing Body of the University to determine the management and committee structure. Enacted in legislation in this way means that each University is **not** free to determine, amend, revise its structures, to respond to changing circumstances and the development of its mission and hence is inimical to the concept of autonomy, which is stated to be a focal principle of the Code.

## **2.18. Article 103. Senate of the institution**

### **Commentary**

This article designates the Senate as the „supreme managing body” and specifies its basic composition (membership). Its powers, however, equate to those of a Governing Body so that there is **no** clear separation between Governance and Management. The size of the Senate is not specified, but the composition and the evidence from the EUniAM survey suggests that it is generally a large body, which may not be compatible with either effective Governance or Management of an autonomous institution.

The Code does not give the Senate a mandate in relation to curriculum approval but it has the duty „to develop and approve the methodologies and regulations for organization of the academic, research and artistic creation activities and programs within the institution”.

The Rector chairs the Senate but is **not** formally responsible to the Senate because the Rector is appointed by the Minister.

The Code specifies that the „Senate mandate shall last for 5 years, synchronized with the mandate of the Rector”. In theory this could mean that there is no continuity of membership if a completely new Senate is elected. While there may be circumstances in which this would be desirable, as a general rule, it may not be a basis for good institutional Governance or Management. A more normal arrangement might envisage a rotation of membership over time with more regular elections mixing new members with more experienced members. Here too the question arises as to whether it is necessary to prescribe this detail in the Code.

The EUniAM proposal would transfer the responsibility for the detail of the internal structure to the University.

## **2.19. Article 104. Strategic and institutional development council**

### **Commentary**

This is a hybrid type of body. It is neither a Governing body nor a Management body although it has elements of both. Although it appears to have some of the functions of a Governing body with external members its authority is limited and for the most part is subject to the approval of the Senate.

The EUniAM project proposes a clear distinction between the Governing body and the Leadership and Management of the University with the Rector appointed by and responsible to the Governing body (*see commentary 2.7.2*).

## **2.20. Article 105. Administration of the institutions**

### **2.20.1. Commentary**

This Article is a further manifestation of the restriction of the autonomy of the University to establish its own structures. It specifies an „Administration Board” which does not appear to be defined but may equate to an „Executive Committee”. It is principally concerned with the process for the election of the Rector and other University officers.

If national and/or international candidates for the post of Rector are to be considered, the period of notice for the election of the Rector is very short (two months).

### **2.20.2. Excerpt from the Code**

Candidates holding scientific or scientific-teaching titles, as well as having at least 5 years of experience in the research and higher education can be elected for the rector’s position.

General Assembly of teaching and research staff and the representatives of students in the Senate and faculty councils, with the vote of the majority members.

### **2.20.3. Commentary**

The above criteria for appointment are restrictive and would probably exclude successful senior executives with experience outside the University.

The process for terminating the appointment of a Rector seem time consuming and highly public, involving the „General Assembly” and may not be conducive to effective Governance and Management. They are also anomalous in the sense that the employer is the Minister who does not seem to have a role in the dismissal process.

## **2.21. Article 106. Administration of the patrimony**

### **2.21.1. Excerpt from the Code**

(1) The public and private higher education institutions have own patrimony, administered under the law.

(2) The buildings and lands, in which the public higher education institutions carry out activity, as of the date of entry into force of the present Code, shall constitute the state property and shall not be alienated, and the other assets shall be the property of the public higher education institutions.

(3) The public higher education institutions shall be entitled to procure from own resources, as well as from other sources not prohibited by the law, the movable and immovable assets, lands or any other patrimony necessary for their activity. The respective assets shall be the property of the public higher education institution.

(4) The assets owned by the public higher education institution may be leased, rented out or sold only if the obtained revenues are used for the development of the respective institution.

(5) The decisions on assets that are the property of the public higher education institution shall be taken with 2/3 of the votes of the Strategic and Institutional Development Council members, including of the representative of the Ministry of Finance, with the Senate's approval voted by 2/3 members, according to the Institutional and Strategic Development Plan. The founders shall be notified about the taken decisions.

### **2.21.2. Commentary**

In part the Code reinforces EUniAM view on the ownership of land and property:

- The Government will transfer the land and real estate to universities
- Universities will have the power to purchase property, and to sell real estate/assets with the consent of the Ministry
- Universities will have the power to invest revenue from the sale of real estate for the development of the university

Clause 2 above distinguishes between those assets which remain „state property” and assets which belong to the Higher Education Institution. The EUniAM recommendation is that **all** existing assets should be „owned” by the University, subject to safeguards. This is an important feature of University autonomy because it transfers full responsibility to the University for the effective development and management of the whole estate (patrimony).

It is essential that there should be strong and effective procedures to ensure accountability with safeguards to prevent malpractice in the management, acquisition and disposal of assets.

However, the decision making processes relating to assets, which are prescribed in the Code (clause 5 above), which require the support not only of two-thirds of the Institutional and Strategic Development Council but also of two-thirds of the Senate, seem cumbersome and bureaucratic and may inhibit effective investment decision making. They are not in accord with principles of modernisation and effective governance and management.

In contrast the Institutional and Strategic Development Council may, with a two-thirds vote and without reference to the Senate, establish a wide range of institutes, centres, units, activities. In this the Council appears to have the powers of a Governing Body. It is a further example of an anomaly in the Code but in this case the power allocated to the Strategic Development Council is in accord with the powers which the EUniAM recommendations propose for University Governing Bodies.

## **2.22. Article 107. Public accountability**

### **2.22.1. Excerpt from the Code**

(1) The public accountability of the higher education institution shall imply the following:

- a) observance of the legislation in force, of the University Charter and the national policies in the higher education area;
- b) enforcement of the regulations in force related to assuring and assessing the quality in higher education;
- c) observance of the university ethics and equity policies covered by the University Charter;
- d) assurance of efficient use of resources and of qualitative managerial act, according to the present Code;
- e) assurance of transparent decision-making processes and implemented activities, according to the legislation in force;
- f) observance of the academic freedom of the teaching and scientific staff, as well as of the students' rights and freedoms.

(2) The rector and the Chair of the Institutional and Strategic Development Council shall be responsible for ensuring the observance of the duties deriving from the principle of public accountability.

### **2.22.2. Commentary**

The EUniAM proposals are broadly in agreement with clause 1 above, except that EUniAM argues that „academic freedom” (sub-paragraph f above) for the individual should be protected by the grant of „tenure”.

On the other hand clause 2 is a further instance of the ambiguity of the Code. Normally the Governing Body would be formally responsible „for ensuring the observance of the duties

deriving from the principle of public accountability” and the Rector as „Chief Executive” would be accountable to the Governing Body for the execution of these responsibilities.

The Code establishes the Senate as the Governing Body **not** the Strategic Development Council and the Rector is appointed by the Minister which in principle means that the Rector is ultimately responsible to the Minister, who is the formal employer. It is a paradox in the Code that the Senate does not have responsibility for ensuring adherence to the requirements specified in clause 1 above. EUniAM proposes transparent, unambiguous, separate but interdependent Governance, leadership and management relationships.

## **2.23. Article 108. The ethics and management council**

### **2.23.1. Excerpt from the Code**

(1) The Ethics and Management Council shall be established at the national level and is an independent deliberative structure. It has the mission to verify the assurance of public accountability of the higher education institutions and shall operate according to the regulation developed by the Ministry of Education.

### **2.23.2. Commentary**

The EUniAM report does **not** address the role and responsibilities of this Council, although it stresses the need for accountability and transparency in all aspects of Governance and management. The Article does not specify how the Ethics and Management Council will assure „public accountability” – presumably this is covered in the Ministerial „regulation? It does specify a process if „Any individual or legal entity” notifies „the Ethics and Management Council in relation to the non-observance of the provisions set forth in par (1) of the article 107”. In this case the University „Strategic and Institutional Development Council” is required to take action. Here again there is an anomaly because this Council is not the Governing Body, the Senate (the Governing Body) appears not to have a role.

EUniAM makes clear that the University Governing Body is responsible to the Minister through the new Department for Higher Education and is subject to annual audit and in depth five yearly report and review of its work.

## **2.24. Article 109. University charter**

### **2.24.1. Excerpt from the Code**

(1) The University Charter is the document that shall establish the mission, the academic principles, objectives, the structure and organization of the university and the other higher education institutions.

(3) The University Charter shall be developed and adopted by the Senate, only after being debated with the university community.

(4) The University Charter shall be adopted only after obtaining the positive endorsement from the Ministry of Education.

### **2.24.2. Commentary**

This may be considered an example of an anomaly in the Code since Article 82: Categories and types of institutions states that: „(1) The higher education institutions shall be established, reorganized and closed down by the Government, at the founder’s initiative”.

It might be expected that the „establishment” of a University would incorporate key aspects of its status as a legal entity.

In its proposals for the „Powers and Responsibilities of Universities” EUniAM recommends that Universities should be responsible for:

„Establishing effective internal organizational and management structures and keeping these under review to ensure that they remain fit for purpose”

„The Rector is responsible for ‘Establishing the internal management and academic structures agreed by the Governing Body’”.

In neither case are the proposals subject to approval by the Minister, indeed this requirement in the Code seems to be contradictory to the basic definitions of autonomy set out in the Code. Moreover, it is an impediment to change and development over time. Note too that the requirement for approval by the Senate may reinforce a conservative, unwillingness to change, which will retain the status quo and resist reform and modernisation.

## **2.25. Article 110. Relations with the labour market and business environment**

### **2.25.1. Excerpt from the Code**

(1) The higher education institutions shall collaborate with the business environment by training of the highly qualified staff.

(2) The partnership relations between the higher education institutions and the business environment shall be implemented through:

- a) establishing the roles, interdependency, and responsibilities of all stakeholders involved in the professional training and insertion process;
- b) establishing a facilitating and cooperating framework for interaction between the higher education system and the labour market;
- c) establishing commercial companies to perform economic activities related exclusively to the purposes specified in the Institutional and Strategic Development Plan;
- d) implementing public-private partnerships.

(3) The provision of services by the higher education institutions and business environment, as well as benefitting from these services, shall be tackled on equal and equity basis.



(4) The partnership between the higher education and business environment shall provide for:

- a) establishment of joint centres of professional counselling and guidance, and employment of graduates on the labour market;
- b) organization of job fairs;
- c) creation of joint research incubators and labs;
- d) organization of continuous professional training;
- e) provision of internship places;
- f) employment of highly qualified representatives from the business environment in the development of the National Qualifications Framework, and the Classification of occupations and professional standards;
- g) involvement of the highly qualified representatives from the business environment in monitoring and evaluation of the quality in higher education;
- h) gender mainstreaming in all relevant activities;
- i) providing opportunities for the youth to reconcile studies and family responsibilities;
- j) other activities and legal actions.

(5) The monitoring of graduates' employment on the labour market shall be carried out by the higher education institutions, in collaboration with the employers.

### **2.25.2. Commentary**

EUniAM endorses the need for collaboration with business, but does not elaborate on the detail and nature. Incorporating the range of collaboration in the Code may be considered to be a helpful guide to the range of possibilities but it may also be interpreted as prescriptive (it is expressed in the Code in prescriptive terms „shall collaborate” and „shall be implemented through” and in that sense may undermine University autonomy. It may also be limiting – if it is not in the Code is it permitted?

Clause 5 above is covered by EUniAM under the heading of data collection:

„The details of data to be collected and reporting requirements will be determined by the Ministry of Education, Research and Innovation in consultation with the sector and other relevant stakeholders. It is expected that as well as the standard range of student, staff, research and financial data the Ministry and universities will be mindful of the recommendation in the Bucharest Communiqué that: „data collection and referencing against common indicators, particularly on employability, the social dimension, lifelong learning, internationalisation, portability of grants/loans, and student and staff mobility” will constitute part of the data to be collected”.

EUniAM insists that the collection of all data should be national, standardised, comprehensive and consistent. The drafting of the Code could mean that each University collects and interprets the data in a different way which will seriously impair its value.

## **2.26. Articles 112. Quality assurance and. Article 113. Quality assessment**

### **2.26.1. Excerpt from the Code**

#### **Article 112**

(1) The quality assurance in higher education shall be carried out through a set of institutional capacities' building actions to develop, plan, and implement the study programs, which would set up and strengthen the confidence of the beneficiaries that the institution providing education meets and improves the quality standards, in line with the assumed mission.

(2) The management of quality in the higher education shall be ensured:

- a) at the national level – by the Ministry of Education and the National Agency for Quality Assurance in Professional Education;
- b) at the institutional level – by internal structures for quality assurance.

(3) A fully operational quality assurance system shall imply two successive stages:

- a) the provisional operation authorization, which is the act for establishing the institution and grants the right to carry out the educational process and to organize the admission to education;
- b) the accreditation, which besides the rights set forth in item a) of this paragraph, shall grant the right to organize the graduation exam, as well as the right to issue diplomas, certificates, and other study documents, recognized by the Ministry of Education.

#### **Article 113**

(1) The quality assessment in higher education shall include a multi-criteria examination of the extent in which the institution providing training and its programs meet the national standards of reference.

(4) The external assessment of quality in the higher education shall be performed by the National Agency for Quality Assurance in Professional Education or by another quality assessment agency listed in the European Quality Assurance Register for Higher Education (EQAR).

(5) The quality assessment in the higher education shall encompass:

- a) the institutional capacity;
- b) the educational efficiency, including academic outputs;
- c) the quality of initial and continuous professional training programs;
- d) the institutional management of quality;
- e) the results of scientific research and/or artistic creation;
- f) the compliance between the internal assessment and real situation.

### 2.26.2. Commentary

It is worth noting that the revised ESG approved by Ministers in Yerevan in May 2015 states: „Higher education institutions have primary responsibility for the quality of their provision and its assurance”.

The EUniAM proposals are based on this principle. They stress the distinction between „**Quality Assurance and Enhancement**” on the one hand and the process of „**Accreditation**” on the other.

The EUniAM project therefore recommends that the National Agency for Quality Assurance in Professional Education be renamed as the **National Agency for Accreditation and Quality Assurance (NAAQA)**.

## 2.27. Article 114. External assessment for provisional authorization or accreditation

### Commentary

This article indicates that an institution may receive „provisional authorization”. EUniAM does **not** endorse this (provisional) concept which it views as inimical to genuine institutional autonomy and to the establishment of categorical accreditation, which safeguards learners and the public. It is also concerned at the conflation of the terms „authorisation” and „accreditation” since this potentially confuses the understanding of accreditation. It also argues for a fully independent National Agency.

As an aspect of its commitment to Quality Assurance and Enhancement and to contribute to the integrity and equity of the examining process EUniAM proposes a system of examining involving double marking, independent External Examiners managed through an independent secretariat and detailed statistical analysis of marks and results. It considers that this would significantly enhance the confidence of stakeholders and the international recognition of Moldovan qualifications. It will also contribute to the development of best practice in the assessment of learning outcomes.

EUniAM proposes to establish **External Examiners Secretariat**:

In order to guarantee/safeguard the quality of performance in final examinations at public Universities the MERI in consultation with the NAAQA will establish an external examiners secretariat.

All Universities will be required to appoint external examiners for final examinations who will be nominated on a random basis by the External Examiners secretariat

All Universities will establish a system of independent anonymous double marking for all final examinations. All oral (viva voce) final examinations will consist of two examiners. Random video recording of oral examinations will be instituted

All Universities as part of their quality process will produce an internal statistical and qualitative analysis of examination grading and results at the end of each year

The External examiners secretariat will establish standards and guidelines for external examiners

It will be responsible for recruiting, training, certifying and reviewing a national team of external examiners

External examiners will have the following duties:

Reviewing the requirements for the degree programme examinations, including, where appropriate, reviewing question papers for written exams to ensure that they are consistent with the learning objectives and outcomes defined in degree regulations/curriculum

Ensuring that exams are conducted in conformity with current rules

Ensuring that the assessment and grading of examinations is consistent, equitable, conforms to best practice and respects the published assessment and grading criteria. This may involve random selection of examination scripts for review, attending meetings of internal examiners, arbitrating in the event of a dispute between internal examiners

Providing an evaluation report on standards and procedures at the end of the examinations for which they are appointed

## **2.28. Article 115. National Agency for Quality Assurance in Professional Education**

### **2.28.1. Excerpt from the Code**

(1) The National Agency for Quality Assurance in Professional Education is an administrative authority of national interest, with legal personality, autonomous to the Government, independent in its decisions and organization, and funded from the state budget and own revenues.

(5) The National Agency for Quality Assurance in Professional Education shall be composed of the subdivision for assessment of programs and institutions providing professional training programs in higher education, the subdivision for accreditation of programs and institutions providing professional training programs in higher education, and the subdivision for technical and vocational education and training, as well as other subdivisions necessary to achieve its tasks, established by the Management Board.

(12) The duties of the Chair, Deputy Chair, Secretary General and Profile Commissions, the procedures for selecting and appointing the members of the Management Board and Profile Commissions, the structure and the number of personnel for the administrative apparatus, as well as the fees charged for assessment procedures shall be established by the Management Board through the Regulation for Organization and Operation of the National Agency for Quality Assurance in Professional Education and *shall be approved by the Government* [own italics].

## **2.28.2. Commentary**

Clause 5 seems to recognise the distinctive roles of accreditation and quality assurance, but it does not distinguish clearly between them. EUniAM prefers the use of the term „**Quality assurance**” to „**Quality assessment**”, since the former reflects the understanding of the process developed in the ESG.

The requirement in clause 12 that appointments be approved by the Government appears to be at odds with the autonomy proclaimed and apparently established in clause 1.

The EUniAM proposal is set out below. It is important to stress that in accordance with the commitment to genuine institutional autonomy EUniAM proposes that once accredited the University should be free to develop its own areas of study and degrees in each cycle (short, first, second and Doctoral):

„The Government to establish an autonomous and independent National Agency for Accreditation and Quality Assurance (NAAQA) which shall be subject to external periodic review

The twin roles of the National Agency for Accreditation and Quality Assurance to be clearly distinguished

Both public and private HEIs will be subject to the requirements of NAAQA

Accreditation will involve:

Responsibility for establishing and publishing criteria for the recognition of HEIs

Recognition shall grant the HEI the right to offer higher education programs in all cycles and award qualifications which will be recognized nationally.

Normally accrediting the HEI as a whole but partial accreditation may be awarded to a named program or programs if the HEI as a whole is judged not to meet the criteria for institutional accreditation.

Periodic review of HEIs to ensure that they continue to satisfy the national accreditation criteria

Quality Assurance will entail:

The establishment and publication of standards and codes of practice for Quality Assurance in HE in Moldova in conformity with the Standards and Guidelines for Quality Assurance in the EHEA endorsed by the Bologna meeting of Ministers in Yerevan in May 2015.

Procedures for the periodic external review of University Quality Assurance in conformity with the Standards and Guidelines for Quality Assurance in the EHEA.

Policy and procedures for the quality assurance and enhancement of its work.

Registration as a member of the European Association for Quality Assurance (ENQA) at the earliest opportunity”

## **2.29. Article 116. Scientific Research**

### **2.29.1. Excerpt from the Code**

(1) In the institutions providing higher education programs, the research, development and innovation, and artistic creation activities shall be carried out for the purpose of knowledge production and training of the highly qualified specialists.

(2) In the higher education institutions, the research, development and innovation activities shall be carried out within departments, laboratories, and other own units and/or in partnership with other institutions, economic units, or public authorities.

(6) The higher education institutions can receive the institutional funding provided through competition for the research activities, based on the evaluation of the international relevance and the economic and social impact of the achieved results. The competition conditions, the international relevance assessment methodology, the economic and social impact, including the amount of the institutional funding shall be developed by the national authority for research, development and innovation and shall be approved by the Government.

## **2.29.2. Commentary**

EUniAM endorses the commitment to research embodied in the Code but considers that the monopolistic funding of research through the Academy of Science and the fact that there is a perceived conflict of interest in the allocation of funding to its own research institutes is inimical to the letter and the spirit of the Code cited above.

EUniAM is concerned that this means that research in Universities is under-developed and of a disappointing quality and that as a result there is an inadequate basis for high quality doctoral Schools in Universities. It proposes that the **Academy of Science of Moldova should be dis-established** and that all the current Academy research institutes/units should be integrated in the restructured public Universities together with a fundamental reform of research funding through a new **National Agency for Research and Innovation (NARI)**.

EUniAM proposes the following:

„The Government to establish a National Agency for Research and Innovation responsible to MERI for:

Allocation of core and competitive research funding based on objective published criteria

Instituting calls for research proposals

Establishing eligibility and evaluation criteria

Organization of external objective and quality assured evaluations of applications

Organization of audit of research grants

The NARI should provide three funding routes which will be subject to different criteria and procedures (i) core funding; (ii) independent research funding; (iii) strategic research funding

Private universities may apply for competitive-based „independent” and „Strategic” research funding

ARI will provide a separate budget for investment in high-cost equipment on a competitive basis for public universities

In consultation with NARI other ministries may publish Calls for research applications, and establish relevant and equitable eligibility and evaluation criteria. The evaluation/assessment of other Ministry applications will be conducted in close consultation and cooperation with the NARI

Private sector organizations may initiate research projects directly with universities.”



## **2.30. Articles 117-120 (of Chapter V. Higher Education Personnel)**

### **2.30.1. Excerpt from the Code**

#### **Article 117**

(1) The higher education personnel shall encompass:

- a) scientific-teaching personnel: university lecturer, university associate, university professor;
- b) scientific personnel: scientific researcher, senior scientific researcher, coordinating scientific researcher and main scientific researcher;
- c) teaching personnel: university assistant, trainer, concert master, training master, mentor;
- d) auxiliary teaching personnel: librarian, IT specialist, laboratory assistant, accompanist;
- e) other categories of personnel: administrative and technical staff, secretary-referent, technician, engineer-technician, doctor, nurse, as well as auxiliary and service staff.

(2) The following titles are in the higher education:

- a) scientific – PhD doctoral and habilitated doctor degrees;
- b) scientific-teaching – University associate and University professor.

(3) The scientific-teaching titles „University associate” and “University professor” shall be awarded depending on the area of science by the Senate of the higher education institution and shall be confirmed by the National Authority empowered to confirm the scientific titles.

(4) The award of scientific-teaching titles shall be ruled by a regulation developed by the Ministry of Education, and shall be approved by the Government

(5) The higher education personnel shall be guaranteed the right to the academic freedom, in line with the provisions of the University Charter.

(6) The higher education personnel shall have the rights and duties deriving from the University Charter, individual employment contract, as well as from the legislation in force.

(7) The protection of employees’ rights, as well as the protection of the intellectual property rights for the scientific, cultural, and artistic creations results shall be guaranteed and ensured in line with the provisions of the University Charter and the legislation in force.

(8) The scientific-teaching and scientific personnel shall be entitled to publish studies, articles, volumes or art works, to apply for obtaining national and international grants, without any restrictions of the academic freedom.

#### **Article 118**

(1) The teaching, scientific-teaching, and scientific positions in the higher education shall be filled in based on competitions, in line with the framework regulation approved by the Ministry of Education.

(2) The part-time employment of the teaching, scientific-teaching, and scientific personnel shall be based on equivalence of positions, as follows:

- a) the position of scientific researcher is equated with the position of university assistant and vice versa;



- b) the position of senior scientific researcher is equated with the position of university lecturer and vice versa;
- c) the position of coordinating scientific researcher is equated with the position of university associate and vice versa;
- d) the position of main scientific researcher is equated with the position of university professor and vice versa.

### **Article 119**

(1) The scientific-teaching workload shall include:

- a) class teaching activity (direct contact with students) carried out through:
  - course hours;
  - seminars, laboratory works, practical works, designing works, teaching/clinical internships and other forms approved by the Senate;
- b) non-class teaching activity:
  - management of internships;
  - management of didactical-artistic or sport activities;
  - management of bachelor's, master's, and doctoral projects or theses;
  - monitoring students' individual activities;
  - evaluation and monitoring activities;
  - consultations, direct guidance of the student's individual activity;
  - other activities, provided by the institutional regulations;
- c) research, technology transfer, sport or artistic creation activity carried out through:
  - performance of scientific research or artistic creation;
  - development of curricula;
  - development of software products;
  - publication of scientific articles;
  - patenting the research results;
  - development and editing monographs, scientific compilations;
  - development of doctoral theses;
  - development of musical, literary, plastic art, decorative, and design creations;
  - setting of performances;
  - playing central roles in theatre, cinema and/or TV performances;
  - participation in scientific projects and coordination of scientific projects;
  - participation in scientific conferences, artistic festivals and sport competitions;
  - other activities provided in the institutional regulations;
- d) methodical activity carried out through:
  - preparing for course teaching;
  - development of course support;
  - didactical design of activities, including of individual activities;
  - development of curricula;
  - development of methodical recommendations for students;
  - development of methodologies and tests for evaluating the academic outcomes;
  - implementation of methodological seminars;
  - other activities, provided in the institutional regulations.

(2) The workload of the research activity for the scientific researchers holding titles shall be established in line with the legislation in force.

(3) The teaching activity shall be quantified in conventional hours within a time unit, as a rule, week, semester, and year.

(4) In the higher education, the time unit for the course, seminar, lab activities, and practical work shall account for two conventional hours. The conventional hour in the higher education shall account for 45 min.

(5) The activities included in the scientific-teaching workload and provided under the par. (1), letters b), c) and d) of the present article, shall be quantified in conventional hours, through a methodology approved by the Senate of the higher education institution, depending on the profile and specialization.

(6) The annual didactic workload of the teaching staff shall include the direct guidance of the student's individual activity.

(7) The course hours shall not be introduced in the didactical workload of the university assistant.

(8) The total amount of the working hours in a scientific-teaching workload, carried out by cumulating the activities mentioned in par. (1) of the present article, shall account for a total of 35 astronomic hours per week.

(9) The Senate of the higher education institution shall establish differentially the scientific-teaching workload based on its own methodology.

(10) The activity workload of other categories of higher education personnel shall be established in compliance with the Labour Code.

(11) The higher education management personnel (rector, pro-rector, dean, head of department or head of chair) may cumulate scientific-teaching and research positions, in line with the institutional regulations.

(12) The didactical workload set forth in paragraph (1), letters a) and b) of the present article may be reduced for carrying out the activities provided in par. (1) letters c) and d) of the present article, according to the methodology approved by the Senate.

## **Article 120**

(1) The assessment of the personnel involved in the higher education teaching and research activity shall be part of the quality assurance system and shall be performed periodically, in line with the institutional regulations.

(2) The assessment of the personnel involved in the higher education teaching and research activity shall be carried out depending on the teaching performance, research performance, participation in the academic life, and other criteria set forth in the institutional regulation.

(3) The assessment of the scientific-teaching personnel shall be carried out by:

- a) administration of the institution;
- b) head of chair or department;
- c) quality assurance commission;
- d) peers and experts;
- e) students;
- f) other competent structures.

(4) The assessment of the scientific-teaching personnel by students shall be compulsory.

### 2.30.2. Commentary

**Human Resource Autonomy** is one of the key areas identified in studies which define University autonomy (see e.g. the EUA Autonomy scorecard). It provides the basis for the University to recruit, retain, develop and help to motivate staff – academic and non-academic.

The Code is highly prescriptive (see above) in defining: categories, status, titles, and even requiring that the award of titles „shall be ruled by a regulation developed by the Ministry of Education, and shall be approved by the Government”. It is essentially a bureaucratic instrument which leaves little, if any, discretion or freedom to the University.

Curiously the Code does not appear to define who the employer of University staff is. The legal advice within the EUniAM project suggests that the Rector is the formal employer but this does not appear to be explicit in the legislation. It has also been suggested that the Rector would be expected to sign all letters (contracts) of appointment. This would be an inappropriate use of the time of the person appointed to be the Chief Executive and leader of a complex organisation – indeed it should be expected that the number of documents requiring the approval and signature of the Rector should be kept to a minimum with authority delegated to a number of officers to sign on behalf of the university. The Rector would then sign only the most important legal documents and institutional agreements.

If the EUniAM proposal for the establishment of a Governing Body – the University Board – is accepted then it would be logical to make that body the formal employer not only of the Rector but all other staff (academic and non-academic). In practice the employment of other staff would be delegated and might be expected to be the responsibility of the University Human Resource Department with staff within that department designated to sign letters (contracts) of appointment on behalf of the University.

The Code defines in elaborate detail the basis for measuring workload. It is difficult to reconcile this level of detailed prescription on human resource management with the commitment to grant autonomy to Universities. It seems not only to be contrary to the definition of autonomy in **Article 79** but also to the ethos of autonomy which needs to be engendered if institutions are to develop their identity and accept the responsibilities which autonomy entails.

It is a *sine qua non* that Universities must respect national legislation on employment rights but this is presumably covered in general Labour law.

EUniAM proposes a simple legislative commitment to Human Resource autonomy (see below in italics) which respects national legislation and commits the University to effective management, development, retention and motivation of the total staff complement – academic and non-academic.

Article 119 is suggested to be replaced by the EUniAM proposal:

„Following the basic principles of HE sector as well as universities powers and responsibilities (*for more details see sections 1.4 and 1.7*), public universities are free to:

- Appoint, review and evaluate academic and non-academic staff

- Establish titles, levels, career path, including criteria for tenure, and conditions of appointment, including remuneration subject to national legal requirements for all staff (academic and technical)
- Establish effective staff development and training programs

This should be contrasted with the restrictive terms of the Code, which will prevent change, development and innovation in Human resource management.

## **2.31. Article 122. Education in the military, security, and public order area**

### **2.31.1. Excerpt from the Code**

(1) The education in the military, security, and public order area shall be an integral part of the national education system.

### **2.31.2. Commentary**

This accords with the EUniAM proposal for an integrated system of merged Universities – noting that the EUniAM proposal involves merging the current institution with other Universities. This will give students in the military, security and public order fields access to a much wider range of relevant subjects in larger multi-disciplinary Universities. It will enhance the quality of their education in a strongly research based, learner centred environment and enrich their general formation and education through close contact with students in a wide range of other subjects.

## **2.32. Article 123. General framework for lifelong learning**

### **2.32.1. Excerpt from the Code**

(1) Lifelong learning shall include the learning activities carried out by a person during the whole life, for training and developing skills from personal, civic, social, and professional perspectives.

(10) The certification of the knowledge and competences acquired in the non-formal and informal education contexts may be carried out by the authorized structures based on a regulation, approved by the Ministry of Education.

### **2.32.2. Commentary**

EUniAM proposes that Life Long Learning should be integral to the mission – powers and responsibilities of a University and does not envisage that this should be further subject to Ministerial regulation.

In accord with the Bologna process and the revised edition of the ECTS Guide (Yerevan 2015) the EUniAM report argues that the procedures and criteria for the recognition of prior learning and experience should be fully integrated and transparent in the University admission processes. It follows that the EUniAM recommendations do not correspond with the limitations specified in the Code and do not anticipate that this would be a further area which needs to be covered by regulation.

## **2.33. Article 133. Continuing professional training**

### **2.33.1. Excerpt from the Code**

(1) The professional development of the teaching, scientific-teaching, scientific and management staff shall be compulsory during the entire professional activity and shall be regulated by the Government.

### **2.33.2. Commentary**

This is another example in the Code of an impairment of University autonomy through government regulation.

EUniAM is committed to continuing development and training for all staff but views this as a University responsibility central to the University mission and quality management and a responsibility of the Human Resource Department and hence not subject to Government regulation. It considers that staff development is an aspect of quality assurance and enhancement, which will be subject to periodic external review and evaluation. It recognises that the quality of staff will be central to the recruitment of high quality national and international students and that student feedback will reflect on the success of the University and its staff. It proposes that in the grant of powers to the University this responsibility should be explicit through a requirement to: *„Establish effective staff development and training programs”*.

## **2.34. Article 140. Duties of the Ministry of Education**

### **2.34.1. Excerpt from the Code**

- (1) The Ministry of Education shall:
- a) develop and promote the state policies in the education and research area in the higher education;
  - b) develop draft legislative and normative acts in the education and research area in the higher education, and shall exercise the state control over the enforcement of such acts;

### 2.34.2. Commentary

This Article covers all branches of education.

The EUniAM proposal is to rename the Ministry and establish within it a Department with responsibility for Higher Education. Its proposals are based on a clear statement of the powers and responsibilities of the Ministry which are coupled with a precise recognition of the powers and responsibilities of autonomous Universities. They exclude the detailed regulation of most aspects of University life and work, which the current Code requires, and which are not compatible with the establishment of autonomous Universities as envisaged in Communications from the European Commission. EUniAM proposes:

„The Ministry of Education becomes: The Ministry of Education, Research and Innovation (MERI) to reflect the mission of the Ministry

MERI shall be the sole ministry for relations with universities relating to learning and teaching, research, and knowledge transfer

All funding for higher education and research to be managed by MERI

MERI to establish a high level Higher Education Division (as part of MERI) with terms of reference/responsibilities as set out below

The Division for Higher Education must be provided with adequate (number, quality, level) staff resources to manage the range of responsibilities.

The Higher Education Division will be responsible inter alia for:

The development of a five year strategic plan for higher education

Consultation with the Higher Education sector on a systematic and regular basis

The allocation of recurrent and capital funds for learning and teaching to public universities on the basis of contracts and a transparent and published funding formula based on student numbers and outputs

The definition of consistent and coherent Higher Education data fields.

Collection, collation, analysis and publication of management and performance data,

The commissioning of a high level, integrated MIS (student/learning and teaching / FTE and academic and technical staff)

The establishment of financial and audit report requirements for public universities

Arranging for periodic audit and review visits to universities to test the quality, effectiveness reliability of financial and data management systems

Review of university strategic plans and other matters to be determined by MERI

Establishing sector performance indicators related to learning and teaching

Seeking reimbursement of any unused funds resulting from under recruitment of students and/or lower student outputs than specified in the contract with the university or in the event of the detection of misuse of funds”.



## 2.35. Article 143. Sources for education financing

### 2.35.1. Excerpt from the Code

- (1) The priority source for financing the public education system shall be:
  - b) allocations from the state budget for the institutions of technical and vocational, higher education, and other educational institutions subordinated to the Ministry of Education;
- (2) The transfers with special destination shall be carried out by the Ministry of Finance, in line with the allocation formula proposed every year by the Ministry of Education and shall be approved by the Government.
- (6) The educational institutions may also benefit from other financing sources, namely:
  - a) revenues from provision of fee-based educational, scientific, and technological transfer services, according to the law;
  - b) revenues from selling items manufactured during the training process (in teaching households, testing workshops and others), as well as revenues from renting out premises, equipment, land, and other assets under public and private ownership;
  - c) grants, sponsorships, and donations;
  - d) other legal sources

### 2.35.2. Commentary

The EUniAM proposals could be accommodated in this article. They state that funding for Universities should be based on a transparent, published formula which is performance (output) based both for „*research and knowledge transfer and for learning and teaching*”. They envisage that Universities might generate income through a variety of activities. The proposal gives greater freedom to the university in the allocation of funds internally:

„Universities are free to allocate the block grant in ways determined by the university Governing Body subject to the requirements of the contract with the Government and respecting principles of accountability

Funding for research should be allocated on the basis of a transparent, published formula in the form of „core” funding to cover basic institutional research infrastructure”.

## 2.36. Article 155

### 2.36.1. Excerpt from the Code

The employment contracts of the individuals, who on September 1, 2018 hold the scientific-teaching positions in the higher education institutions without fulfilling the conditions provided in the paragraph (3) of the article 132 shall lawfully terminate.



### **2.36.2. Commentary**

It may be appropriate to consider a timetable for implementation which fits with the reform of Doctoral education, the establishment of high quality doctoral schools and the integration in Universities of the Academy of Science Research Institutes which will reinforce the research capacity of Universities.

In the case of long serving staff with a research record Universities may also wish to consider in the context of the commitment to life-long learning whether staff can demonstrate the achievement of Doctoral cycle level achievements for which recognition could be granted.



## **3. CODE OF GOOD PRACTICE**

### **3.1. Introduction**

This chapter presents a series of best practices at the university level. It draws on „The benchmark analysis of the institutional university autonomy in Denmark, Lithuania, Romania, Scotland and Sweden” (Turcan and Bugaian, 2015).<sup>1</sup> The aim of this guide is to bring to the attention of the rectors, academic and technical staff, as well as the students how a university may benefit from institutional university autonomy granted as per legislative proposals presented in Chapter 1.

Recommendations provided in this guide concern organizational, financial, HR and academic autonomy. Each category of the autonomy is linked to the respective basic principles as identified in the legislative proposals presented in Chapter 1. Each category has a number of sub-categories and recommendations for best practice are provided for each of these sub-categories.

It is important to state that the recommendations provided in this guide are the result of a joint decision taken by the EUniAM team in the light of proposed legislative reforms (see Chapter 1) and commentary on the Code Education (see Chapter 2). For more, possible best practices, the reader may refer to the „The benchmark analysis of the institutional university autonomy in Denmark, Lithuania, Romania, Scotland and Sweden” (Turcan and Bugaian, 2015).

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<sup>1</sup> <http://www.euniam.aau.dk/work-packages/wp3/wp3-deliverables/>

## 3.2. Organizational autonomy

### 3.2.1. Basic principles

The legislative proposals on organizational autonomy developed within the EUNIAM project are based on the following principles:

- clear distinction between the roles and responsibilities of Government and Universities;
- clear separation between university governance, leadership and university management;
- the freedom of universities to establish their internal structure.

The implementation of the principle of clear separation between university governance and management will allow the University to establish efficient organizational and management structures, including the governing body and university rector.

The University will monitor the organizational and management structures to ensure the compliance of their activities with the intended purpose.

### 3.2.2. The governing body

In accordance with the legislative proposals developed under the project, the **Governing Board** is the supreme governing body of the university, responsible for long-term strategic decisions concerning the institutional development.

#### 3.2.2.1. Powers and structure of the governing body

The powers and structure of the Governing Board are stipulated in the Law.

For the new members of Board, especially external ones, it is recommended to perform initiation trainings, aimed at familiarization with the functioning of the university and, in particular, the institutional governing body and studying best practices in university governance.

#### 3.2.2.2. The selection procedure of members for the governing body

Internal members of the Governing Board, according to the experience of universities in the countries surveyed, are representatives of academic staff and students (cycle I, II and III) of the university. Representatives of the academic staff are usually elected from among and by tenured academic staff and the student(s) (preferably from cycle II or III) is elected by the entire student personnel or student organization of the institution, as established in the University Charter.

External members are selected on a competitive basis, which can be carried out, for instance, by a (*ad-hoc*) *selection committee* which includes both (external) members of the Governing Board and representatives of the academic staff of the university. The procedure for selecting external members is determined by the university.

In his/her activity, the President of the Governing Board is assisted by the Secretary of the Board (not member of the Board) which is usually appointed by the President and remunerated by the university.

**Note.** When establishing the new governing body – the Governing Board – candidatures for external members of the Board may be proposed by the Rector, after consultation with the institution's academic staff, and designated by the Ministry of Education. Subsequently, the procedure described above is applied.

### ***3.2.2.3. The term of office of the governing body***

The term of office of the Governing Board members is stipulated in the legislative proposals. In the case of inclusion of the student(s) as a member(s) of the Board, this (these) has one year term of office.

Periodically, every 5 years, but so that it does not coincide with the period of nomination of the rector, an external evaluation of the activity of the Governing Board shall be conducted.

### **3.2.3. The executive management of the university**

According to legislative proposals, the university is free to decide on its organizational and management structure.

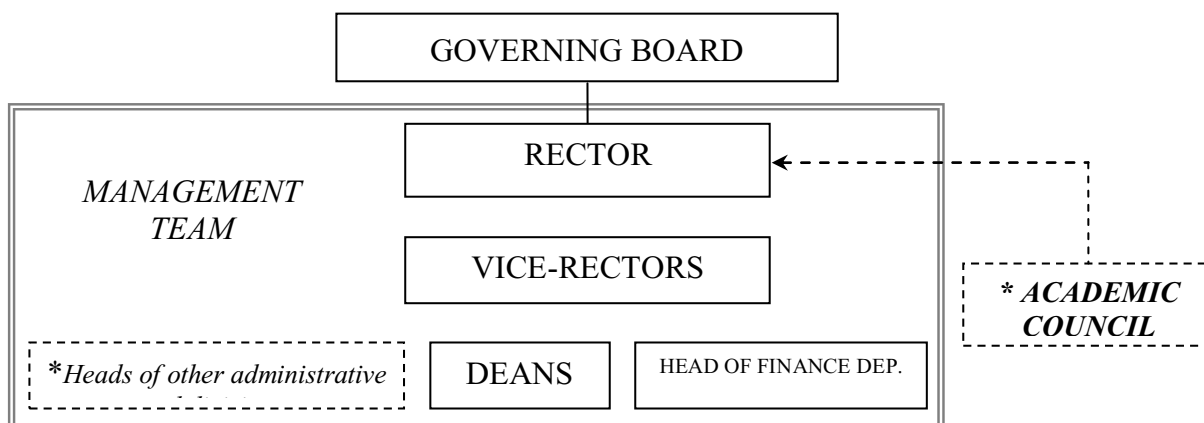
The Rector is the main manager (Executive Director) of the higher education institution.

In his/her activity, the rector is assisted by a Management Team.

The management team usually consists of rector (president), vice-rectors, deans, head of finance, but may also include, at the decision of the university, other heads / representatives of the university subdivisions.

In order to improve the academic management, the university may establish (at different levels) management bodies responsible for academic issues: learning, teaching, research and knowledge transfer.

An example of such a body set up at the university level can be the Academic Council, existing under various names, in most Swedish universities. The Academic Council is a collective body, whose members are representatives of academic staff and students, elected by academic staff and by university students respectively. The number of members, the exact composition and procedure of election of members of the Academic Council are determined by the university and stipulated in the University Charter. It is recommended that the chairman of this body is the Rector of the University.

*Example of an organizational chart of university*

\* non-compulsory structures that can miss from the organizational chart

At the faculty level, governing bodies can be:

- Faculty council
- Dean
- Vice-deans
- Heads of departments, directors of research centers / laboratories, doctoral schools, etc.

### 3.2.3.1. Powers of the executive management

The powers and responsibilities of the **rector** are stipulated in legislative proposals.

The **management team** is responsible for providing guidance on overall strategic direction of the university, the examination of important initiatives that come from university subdivisions and the resources required for their achievement. It assists the rector in daily management of the institution.

Regarding the **Academic Council's** powers, it could be responsible for:

- strategic issues related to research, teaching-learning process and knowledge transfer;
- ensuring the quality of teaching-learning and research;
- granting degrees and diplomas, including the honorary ones;
- interaction of the university with the community;
- other activities delegated by the Rector.

### 3.2.3.2. The procedure for selecting the executive management of the university

Employment in all management functions, including those of the rector, vice-rector, shall be made on the basis of the job description.

The selection procedure and employment of the rector and vice-rectors could be as follows (similar to the model of universities in Denmark):

The Rector is employed by the Governing Board, following a public announcement made at national and international level, conducted by a *selection committee* established by the Governing Board. This committee consists of members of the Governing Board and

members of the academic community, thus ensuring the participation of academic staff and students of the institution in this important exercise. The way of establishing and the exact composition of the selection committee is determined by the university.

The Selection Committee is chaired by the President of the Board or another external member of the Board. The Committee, on the basis of submitted files, makes a general assessment of the qualifications of candidates and conducts interviews with pre-selected candidates. The Committee recommends to the Board the qualified candidate for the position of rector. The Governing Board employs the proposed candidate for the position of rector of the institution.

Vice-rectors are employed by the rector, following a public announcement at national and international level, on the recommendation of the selection committee. The Committee shall make an overall assessment of the qualifications of candidates, conduct interviews with the candidates selected and proposes the rector the short list of candidates. The Rector decides which candidates will be employed.

Deans and heads of departments are elected on the basis of public competitions, initiated by the rector and organized within the faculty. The election procedure is determined by the university.

#### ***3.2.3.3. Criteria for selecting the rector of the university***

Legislative proposals do not stipulate selection criteria for the position of rector of the higher education institution. International experience, including of the countries analyzed under the project, suggests the following:

For the position of rector, candidates who hold scientific titles in one of the areas in which the university operates and have managerial experience of at least 5 years in higher education institutions can be eligible.

The University has the right to apply any other eligibility criteria to ensure the compliance of the candidates for the position of rector with the goals, objectives and vision of the institution.

Employment in all management functions, including the rector, vice-rector, dean and head of department, shall be made on the basis of job descriptions and performance criteria.

#### ***3.2.3.4. The dismissal of the executive management of the university***

The Governing Board is the body that can dismiss the rector with 2/3 of votes, in the case of:

- non-approval of the annual report,
- fraudulent use of funds,
- infringements of the rules of professional ethics and conduct.

#### ***3.2.3.5. The term of office of the executive management***

Rector's term of office is set in the legislative proposals.

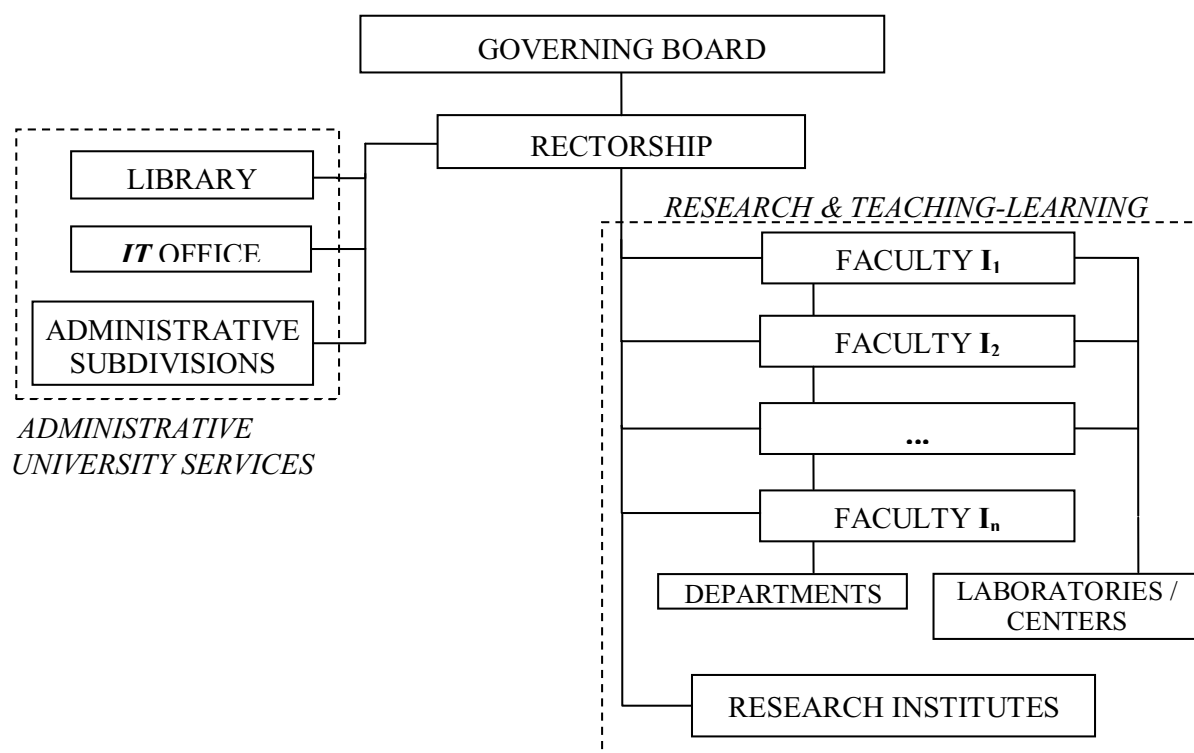
18 months before the end of the first term, the Governing Board could initiate the process of pre-selecting candidates for the position of rector. For this purpose, the Governing Board establishes the *selection committee*. The process may also involve a consultative review / evaluation of the activity of the rector in office.



### 3.2.4. The freedom of the university to decide on the internal structure

Higher education institutions are free to determine their internal structure, establish and liquidate academic and administrative subdivisions and decide on their management. Universities can include in their structure: faculties, academic departments, institutes, centers, research laboratories, doctoral schools, departments, offices and administrative services, etc., and various committees and councils at all university levels.

#### *Model of organization chart of the*



An example of a specific nonstandard subdivision is the *board of studies* present in universities in Denmark.

*Boards of studies* are collective bodies managing one or more study programs and are established and abolished by the faculty dean, after consultation with members of the departments responsible for these programs.

The number of board members is determined by the faculty dean.

Each board of studies shall include an equal number of academic staff and students, elected by the academic staff and faculty students respectively. The board of studies shall elect its chairman for a term of one year. The chairman is elected from among the academic staff employed on a full-time basis, members of the board of studies.

The main responsibility of the board of studies is the curriculum, organization, development and quality assurance of the teaching and learning process within the program that it manages.

In some universities, such as Aalborg University, *boards of studies* of study programs related to an academic field (including from different faculties) are organized in ***schools*** that are approved by the rector on the recommendation of faculty dean.

***Oorganizational chart of schools / boards of studies***

FACULTY <i>A</i>	FACULTY <i>B</i>	...	FACULTY <i>Z</i>
<b>School 1<sub>A</sub></b> <i>Board 11<sub>A'</sub></i> <i>Board 12<sub>A'</sub>...</i>	<b>School 1<sub>B</sub></b> <i>Board 11<sub>B</sub></i>		<b>School 1<sub>Z</sub></b> <i>Board 11<sub>Z</sub></i> <i>Board 12<sub>Z</sub>...</i>
<b>School 2<sub>AB</sub></b> <i>Board 21<sub>A'</sub> Board 22<sub>A'</sub>...</i>			<b>School 2<sub>Z</sub></b> <i>Board 21<sub>Z</sub></i>
<b>School 3<sub>A</sub></b> <i>Board 31<sub>A</sub></i>	<b>School 3<sub>B</sub></b> <i>Board 31<sub>B'</sub></i> <i>Board 32<sub>B</sub></i>		<b>School 3<sub>Z</sub></b> <i>Board 31<sub>Z</sub></i> <i>Board 32<sub>Z</sub>...</i>

Each school is managed by the director of the school, assisted by boards of studies within it. The director is appointed and dismissed by the faculty dean, on the recommendations of the respective boards of studies. The director of the school is generally responsible for:

- Development and implementation of school policies and strategies.
- Presentation to the faculty dean of recommendations on school budgets and its boards of studies.
- Coordination of all school activities and their quality assurance.
- Approval of themes and deadlines for the submission of Bachelor's / Master's degree theses and of the monitoring plan of students' activities.
- In cooperation with the board of studies, ensures the planning and practical organization of the teaching process, tests and other assessments included in the examination.
- Together with the heads of relevant departments and boards of studies, monitors the evaluation of study programs and the teaching process.

### **3.2.5. Representation of students in university governing and management bodies**

Universities shall ensure active and effective involvement of students in all decision-making and management structures of the institution.

Students are responsible for the selection / election of its representatives in decision-making and management structures of the university, ensuring its open, fair and transparent character.

Universities will ensure the presence of students in all decision-making and operational structures of the institution. The share of representation of students could be for example:

- 10% – at university level;
- 25% – at faculty level;
- 30% – at department level.

It is recommended that higher education institutions support, including financially, the self-governance activities of the students of the institution.

### **3.2.6. The freedom of the university to establish legal entities: non-profit and / or commercial**

Higher education institutions have the right to establish legal entities, both non-profit and commercial (entrepreneurial). Revenues from the activity of these entities can be used only for the purpose of carrying out research, teaching and learning, consultancy and infrastructure development of the university.

### 3.3. Financial autonomy

#### 3.3.1. Basic principles

The legislative proposals with respect to the financial autonomy component are based on some general principles, which are the starting points in their application in each university. We can mention among them:

- Separation of resources allocated to research and teaching;
- Transparency of activities and decisions made;
- Use of sources in accordance with the university's development strategy.

#### 3.3.2. The model of higher education funding

The *law provides for the **funding of public universities in the form of block grant funding on two strictly separate directions: teaching-learning and research.*** This means that universities will receive an amount of money they are entitled to use, according to their needs, only taking into account these two directions.

The allocations for **teaching and learning** will consider several types of expenses related to the quality training of specialist in the respective field and include: remuneration of the staff involved in teaching, auxiliary staff remuneration, contributions to mandatory social security and health insurance, educational materials for lectures and laboratory works; production internship; expenditures for utilities (electricity, gas, heat, water and sewerage, sanitation, telecommunications and postal services; lift services; security), acquisition of books; professional training of personnel; office supplies; IT and computing works; maintenance of transport means; payment of the rent of classrooms, students maintenance expenses and other costs related to the development of the study process.

All these expenses will be covered by the State through the Higher Education Unit of the Ministry of Education, Research and Innovation, ensuring 100% of these needs, updated for the requested period.

The second direction relates to **allocations for research**, which will consider a range of expenses such as remuneration of research auxiliary staff with legal contributions, expenses for attending national and international conferences, research expenses related to study programs, expenditures doctoral students training, including doctoral thesis defense. The state, through the National Agency for Research & Innovation, will provide 80% of these needs, the other 20% being provided on a competitive basis by the same body. The Agency will allocate financial resources on a competitive basis for projects submitted for strategic funding and / or for individual projects. It also provides for a separate budget for capital equipment with high costs allocated to universities on a competitive basis.

As already mentioned, funds for education and research are *strictly* separated. At the same time, a fact mentioned above, research funding is carried out based on a dual support system composed of basic research funding, the use of which is decided by the institution,

and from allocation of public funds for certain research projects, following a competitive model. Basic research funds allow institutions to set their own priorities and to finance their *infrastructure and current activities*.

Financing for both teaching and research is allocated based on an institutional agreement signed between the respective Agency (Unit) and each state university, and it is multi-year during a study cycle.

There is a similar model of higher education funding in some countries, such as Sweden, Scotland and Denmark, where funding is entirely public, which means that the cost of education in these countries is fully covered by the state, higher education being a priority and a strategic area for development. There are some categories of students who pay tuition fees: those who already have a university degree, those who come to MBA master's degree programs, attend continuing education courses, foreign students from countries outside the European Union. These provisions should also remain for Moldovan universities.

### **3.3.3. The funding mechanism in higher education and the methodology of financial resource allocation to universities**

The law provides that funding for universities should be based on a transparent formula, which is based on some performance indicators (output), both on the research and knowledge transfer and on learning and teaching lines.

The funding mechanism of higher education institutions in many countries involves the use of a funding formula that aligns with the objective of achieving transparency in the distribution of funds among institutions. Although many aspects of these formulas are the subject of some debate, at the base of the calculation formula are two basic elements: the number of students of the institution and the cost of training per student.

A funding formula that is based on *the number of students enrolled* in an institution may act as an incentive to rationalize the use of resources. This is particularly the case when the basic costs per student are based on average costs at national level or normative costs established after evaluating different parameters that are used in calculating the cost of education in an ideal case and not the real one. However, if the basic costs per student reflect the *real costs* incurred by the institution, the need for rationalization of resources is not as strong. A funding formula based on the number of *students enrolled* makes institutions vulnerable to fluctuations in the number of students enrolled, which inevitably has a direct impact on their income. Certain basic institutional costs (such as infrastructure) cannot be reduced from one year to another. To address this situation, universities can adjust the types of programs offered to take into account the preferences of students, in order to attract more students. While such a strategy may provide guarantees that these courses will meet the educational needs of society in the short term, it can lead to a limited diversity of courses and the disappearance of important but less popular academic programs. Proceeding from the above, funding formulas could include incentives to preserve vulnerable study programs (specialties).

Using a calculation formula for allocating financial resources for universities in Moldova can be based on the number of physical students calculated to be in the year planned, the

number of equivalent students, taking into account the results of students in the previous year, the average cost per student. Equivalent students are students who have passed the examinations and are determined as the ratio between the total number of credits points accumulated by all students in the year prior to that for which it is planned to 60.

Budget planning is made for 3 years, updating those amounts every year. Payment of the amount by the State is made 3 months in advance.

In the context of the above mentioned, a calculation formula will be used that takes into account both physical students and their performance. The proportion should be specified for each period. The cost of a student is an average amount for the respective field of study.

Financing of public universities for teaching – learning activities will be done by the Higher Education Unit of the Ministry.

To calculate allocations for teaching the following equation shall be considered:

$$T_{i,t} = \sum_{j=1}^6 (Nsf_j \times k_1 + \frac{G_j}{60} \times k_2) \times P_j, \quad j = 1, \dots, 6, \quad (1)$$

Where  $T_{i,t}$  – the budget for teaching for the institution „i” in the year „t”

$j$  – the number of fields of study (Table 2)

$k_1$  – the share of allocations depending on the number of physical students

$k_2$  – the share of allocations depending on the number of equivalent students (3),

$$k_1 + k_2 = 1 \quad (2)$$

$G_j$  – the total number of ECTS credits accumulated by the university for the field „j”

60 – number of ECTS necessary to be accumulated per year of study

$$FTE_j = \frac{G_j}{60} \quad (3)$$

$Nsf_j$  – the number of physical students for the field „j” in the university „i”

$$Nsf_j = Nlf_j + 0.5 \times Nlfpt_j \times 1.25 \times Nm_j, \quad (4)$$

Where  $Nlf_j$  – number of full-time students, cycle I – Bachelor, field „j”

$Nlfpt_j$  – number of part-time students, cycle I – Bachelor, field „j”

$Nm_j$  – number of full-time students, cycle II – Master, field „j”

0.5 & 1.25 adjustment coefficients that can be modified from year to year depending on the real situation

$P_j$  – cost per student  $Nsf$  for the field „j”

Table 3.1. *Project of configuration of fields of study*

Field	Structure	Adjustment coefficient*
Field 1	Humanities, social sciences, economics, law, services, educational sciences (pedagogy)	1
Field 2	Natural sciences, exact sciences	1.65
Field 3	Engineering, agriculture, pharmacy, physical culture and sport	1.75
Field 4	Medicine, architecture and civil engineering	2.5
Field 5	Arts, music and interpretation (except opera), drama	3.0
Field 6	Theatrical arts, visual arts, opera singers	6.0

\* These are adjustment coefficients, determined on the basis of benchmarking conducted and can be modified based on emerging historical data

To calculate funds for research the following equation shall be considered:

$$Rit = Fc + Fb, \quad (5)$$

Where ***Fc*** – funding on competitive basis

***Fb*** – basic funding to cover the salaries of technical staff in research laboratories, maintenance of equipment, consumables and services purchases.

The financing unit within the National Agency for Research and Innovation will provide 80% for basic funding and allocate up to 20% of the research budget on a competitive basis based on the following performance criteria:

- Publications
- External research grants
- Number of PhD students
- Other

Both state and private universities can apply for research and innovation funding on a competitive basis of independent research and strategic research units.

#### *Monitoring the way institutions use the funds allocated*

As explained above, higher education institutions in Europe have a fairly high degree of freedom in the use of funds, especially when receiving block grants covering several categories of expenditure. There are, however, various ways to control the use of public funds: with the help of accountability measures and regulations to which institutions are subject to, on carrying forward unspent funds from one year to the next.



### **3.3.4. Calculating the cost (price) of training a student**

The methodologies for calculating the cost per student vary from country to country. The name, the methodology differs, but what is common is the inclusion of all expenses necessary to ensure qualitative training of future specialists. Indirect costs are based on sharing, in most cases, the remuneration of teachers. The cost of training a student is calculated by including all costs incurred by the university during that period and varies depending on the type of study (full-time, part-time, distance learning), education level (cycle I – Bachelor, cycle II – Master), field of study. In this regard, 6 fields are highlighted.

As a basis for calculation, a student from the full-time education is taken, the field of humanities, cycle I – Bachelor. For other categories, adjustment coefficients are used.

At the state level, to calculate budget allocations the average cost for each of the 6 fields of study is determined.

### **3.3.5. Forms of private financing and their monitoring**

Higher education institutions from all countries try to diversify funding sources. The forms do not essentially differ from country to country. In principle, there are allowed private funding sources that do not contradict to the legislation of the country. In the Republic of Moldova, higher education institutions can benefit from other sources of income besides the state budget directed towards training students or research activity, such as:

- ✓ Funds obtained on competitive basis from research funding programs;
- ✓ Means obtained from research and innovation services provided, ordered on contractual basis.
- ✓ Means obtained from scientific research carried out on the basis of international R & D projects.
- ✓ Means from tuition or training fees applied to students of cycles I and II (special categories), integrated studies, medical residents, secondary clinical doctors, doctoral students, and from continuing education / lifelong learning courses.
- ✓ Interest from bank deposits of available funds.
- ✓ Donations and sponsorships.
- ✓ Lease and tenancy contracts;
- ✓ Revenues from spin-offs and start-ups and / or their sale,
- ✓ Other funds received in legal ways;

Monitoring the use of income from private sources is carried out in accordance with the directions of intended use in the development strategy of the institution and in accordance with the law.

### **3.3.6. Carrying forward unused funds from one year to another**

The possibility of keeping unspent funds and carrying them forward from one year to another is an important aspect of financial autonomy. This flexibility facilitates institutions the possibility to develop medium and long term strategies and allows funding of projects over several years, creating even the possibility to make investments in order to increase revenue. In all countries surveyed, except Scotland and Lithuania, universities are entitled to carry forward unused public funds from one year to another. Private funds can be carried forward in all countries unconditionally.

Although universities are non-profit organizations, cash balances can occur at the end of the calendar year for various reasons: are accumulated for some subsequent investments etc. Universities have the right (and it is recommended) to accumulate surplus in their bank accounts. Also, every 3 years the Higher Education Unit of the Ministry of Education, Research and Innovation will review the amounts used by the university and will require the reduction of the amounts allocated for the next years, if in the assessment period there were trained fewer students than those planned, by deducting amounts estimated for depreciation of fixed assets.

### **3.3.7. The possibility of universities to borrow money**

The experience of many countries shows that universities need this freedom to address certain issues related to the process of study or research. The rationale that is submitted by the founder and necessary calculations must be very persuasive. In some countries, such as Sweden and Lithuania, there are certain restrictions on the size of loans that universities can benefit from.

Therefore, in case of necessity and scarcity of own resources, the university could borrow money from banks only with reasoning and consent of the founder. Having the regulations and limits specified by the Parliament, which may be amended from time to time, universities can borrow money from the financial market to facilitate the development process, according to the mission and purpose of the university.

### **3.3.8. The degree of freedom of universities in setting the tuition fee size**

The *tuition fee* is the amount of money a student has to pay, depending on the field in which he/she studies, as well as the education form, for one year of study and which includes expenses necessary for his/her training. The tuition fee is an economic contribution that a student must pay to the university in order to enroll, defend or complete higher education.

In conditions of coverage by the state of all expenses related to the training of specialists at cycle I – Bachelor and cycle II – Master, there will be tuition fees only for domestic students who once benefited from budgetary sources for studies (those who want to obtain a second degree). Exceptions may be for cycle I – Bachelor and cycle II – Master or for both cycles in certain circumstances: when these fields of studies represents priorities for the state, or when the person has meanwhile acquired a disability that does not allow

him/her to carry out further his/her professional activity. Also, there will be tuition fees for students from the MBA masters, joint master programs with universities in other countries.

The size of tuition fees shall be established by the university taking into account the actual expenses required for the training of specialists at each of the proposed programs and cannot be lower than the allocation granted by the state per student in the respective category. In this respect, there is the international experience. Thus, in Lithuania, if the tuition fee fixed by the university is lower than the normative price per student, which is at the basis for calculating budget allocations, the allocations per student are automatically established at the level of the tuition fee for that university. To ensure quality, the university must bear certain expenses. Then, when the tuition fee is smaller than the expenditure, the quality of education is affected.

Foreign students pay tuition fees (if there are no specific intergovernmental agreements). The size of the tuition fee for foreigners is determined by the university.

### **3.3.9. Scholarships and other financial support for students**

Financial support for students can take different forms and it reduces to that kind of refundable or non-refundable support which they can obtain from the state in order to help them study. In many countries, students can get some money from the state to cover their living expenses during the period in which they are students and to have the possibility to study under refundable and / or non-refundable conditions. This provides equal opportunities to all, regardless of their financial possibilities, to study. Obviously, this happens in the case the student has the necessary capacities and meets certain specified criteria.

In the case of the Republic of Moldova, the state could provide scholarships in the size of the tuition fee to all students who study at cycle I – Bachelor and cycle II – Master. At the same time, the state provides all students a maintenance scholarship. This is differentiated depending on the place of residence of students, Moldovan citizens. Those who are from the locality where they study will get a smaller maintenance scholarship than those who come from other parts of the country. The scholarship for student performance both at cycle I – Bachelor and cycle II – Master can be offered by the university depending on the budgetary possibilities and the strategy adopted at institutional level. Students can benefit from private scholarships from national or international bodies.

### **3.3.10. The distribution of financial resources within the university**

The distribution of financial sources within the university involves a method of distribution of both the income obtained and expenditures incurred to university subdivisions (faculties, chairs, departments). In universities in different countries two basic ways of distribution of sources within universities are highlighted: centralized, by the university administration (e.g., in Lithuania) and decentralized, which largely repeats the financial sources allocation mechanism at the State level to universities (e.g. in Scotland, Sweden, Denmark, and

Romania). Both ways can be seen in terms of both advantages and disadvantages they present. For this reason, we consider it appropriate that each university decides which method it wants to follow.

The process of distribution of funds received by the university to subdivisions should be transparent, based on processes and methods, arising from the educational strategy and policy in the university, and it is individual for each university. The allocation of funds should take into account the need to support teaching, learning and research activities in accordance with the funds that have been received (intentional for allocation of funds).

In the case of decentralized distribution of sources within the university, depending on the structure accepted by the university, there are determined those amounts that must be distributed to subdivisions of common interest (i.e. library, computer science department, etc.) and the modality of distribution of sources up to each person. As an example of distribution can be the case of Aalborg University, Denmark; an example which was also presented in the report on countries.

**Example.** Regardless of the source and the subdivision which brings the money, all the money is summed up at university level and the same distribution methodology is applied. The decision belongs to the university management. They are guided by the principle „*money follows the activities*”.

Both the number of physical and equivalent students is taken into account, i.e. those who have passed the exams at each faculty, based on the formula for the allocation of financial sources to universities, as outlined earlier. As a basis are students from social sciences, for others an adjustment coefficient is applied (contained above in the table) depending on the complexity of studies. At the university level, for administrative expenses 10% of all amounts are retained. 4.8% is retained for the library needs, for its maintenance (actually, they present the concrete plan of activities and the money is allocated depending on the percentage indicated). The remaining money goes to the faculty. The faculty distributes the money to its chairs.

The faculty develops a concrete budget which also provides 8.3% allocation for faculty needs. Around 17% are amounts needed for building maintenance. In rest, the money is allocated for teaching, for administrative activities of the chair, such as salaries for auxiliary staff (secretary), expenditures on delegations, conferences; representativeness expenses.

Obviously, each university determines the structure of the common expenses according to concrete needs, development strategy and other factors.

## **3.4. Academic autonomy**

### **3.4.1. Basic principles**

The fundamental principle of university autonomy of clear separation of powers (rights and obligations) between state governing institutions and universities in the field of academic and research activities is expressed through:

- Autonomous establishment of study programs,
- Enrollment of students,
- Establishment of management structures and internal mechanisms of continuous quality assurance of study programs and degrees offered,
- Selection of the National Agency or International Quality Assurance Agencies,
- Establishment of policy and procedures for quality assurance, improvement and periodic review of study programs in accordance with national and European guidelines,
- Development, encouragement, promotion of a variety of study forms, including distance and blended learning, part-time education, work based learning, continuous professional development and other forms of lifelong learning,
- Recognition of prior formal and informal education and experience,
- Efficient involvement of students in management and decision-making structures, including in the development of curriculum, teaching / learning process,
- Establishment of partnership, cooperation and mobility agreements (staff / students), joint programs in all cycles, joint research activities, creation of subsidiaries,
- Effective collaboration with business and industry: internships, learning at the workplace, consulting, knowledge transfer, R & D, funded research, industrial doctorates, lifelong learning, consultation on curriculum,
- Support for regional economic and social development,
- Promotion of research (applied and fundamental), innovation and knowledge transfer,
- Development of an efficient research strategy, encouragement and support of staff to do research,
- Promotion of knowledge transfer, development of innovation hubs, scientific parks, spin-off companies and corresponding entities to support the mission of the university.

Next, it is presented a brief description of the selected good practices following an extensive analysis of the experience of universities in the UK, Sweden, Denmark, Lithuania and Romania. More details on this topic the reader can find in [Romeo Turcan, Larisa Bugaian: „Comparative analysis ...”, 2015].

### 3.4.2. Higher education institutions. Study programs in higher education

In the higher education system of the Republic of Moldova one type of institutions is accepted – universities. Universities are focused on the development of scientific research and promotion / offering of study programs in three cycles: Bachelor, Master and Doctorate. In parallel with the basic (academic) programs, universities can offer:

- higher professional education programs (short cycle), with the equivalent period of 1.5 – 2.0 years / 90-120 ECTS;
- professional Bachelor degree programs lasting 3 years / 180 ECTS.

Universities can also provide postgraduate programs of continuous training and development and / or in-depth postdoctoral research studies.

- Universities are established / liquidated by law, adopted by the Moldovan Parliament, at Government's proposal, which sets the objectives and basic regulations, guidelines for the development of higher education on fields / levels and allocates resources.
- Universities can form university consortia. Alone or in collaboration with other universities they can establish subsidiaries in the country and abroad.
- Universities can have affiliated colleges (post-secondary non-tertiary education) in the field, which provide post-secondary non-tertiary programs (specialty secondary education)

Several studies conducted by the Ministry of Labor of the Republic of Moldova, show the deficit of specialists of medium level in the field of production (technicians, foremen, line operators, nurses). Namely this kind of specialists are formed / trained in the EU in the short cycle of higher education (vocational academies and university colleges and in universities – ex. in Scotland). Professional Bachelor programs are also very popular in these countries due to their focus on production and service field.

We consider that young people who can see themselves in the future in the field of production and services will find their place in these programs, those who do not want or do not have capacities / sufficient theoretical training to pursue an education / research career, are not ready to continue their theoretical studies in sophisticated areas with plenty of Physics, Mathematics, Chemistry and Biology.

**PS.** In all countries, including the Republic of Moldova, access to higher education has only those who are holders of a Bacalaureate diploma or an equivalent document.

### 3.4.3. Academic autonomy on launching new study programs

This dimension concerns the freedom of higher education institutions to initiate and liquidate study programs at the three cycles of higher education – Bachelor, Master and Doctorate.

- ***Introduction of new programs at cycle I***

Higher education institutions are autonomous to decide on the introduction or liquidation of study programs at cycle I, if they meet the rules set by the Ministry of Education.



- ***Introduction of new programs at cycle II.***

The Ministry of Education grants the right (authorizes) to provide master programs to universities conducting scientific research or creative activities in the field. New master programs, in order to be accepted, must demonstrate originality in the application and advancement of knowledge. The programs shall be implemented after approval by the ME based on positive opinion of ANACIP (National Agency for Quality Assurance in Professional Education).

The name and content of the program is determined by the institution on the basis of general requirements and shall be implemented after approval by the Ministry of Education based on the positive opinion of ANACIP. The program must include a description of access conditions, including of graduates from Bachelor programs from other areas of training and holders of professional Bachelor diplomas. It is also imposed the condition that the total duration of the first two cycles is not less than 300 ECTS. Other conditions are formulated by each university and are made public.

- ***Introduction of new programs at cycle III.***

New doctoral programs are usually developed as a result of the development of research programs. The University is autonomous to propose doctoral programs and to grant the title of Doctor/PhD in the field / areas where it conducts research and in which it has established a doctoral school, either independently or in cooperation with other institutions of research and innovation. The doctoral school must be accredited or provisionally authorized as determined by the Ministry of Education.

- ***Language of instruction***

To consider as a performance criterion the organization of study programs taught in English (or other international languages) in parallel with Romanian.

### **3.4.4. University autonomy concerning admission to studies**

From this perspective, it is examined the freedom of higher education institutions to organize independently the admission process at all study levels, to establish specific requirements and admission procedures for both local and international students.

- ***Procedures for admission to short cycle and cycle I, Bachelor***

- Studies in state higher education institutions are free for local citizens and citizens of EU countries. Citizens of other countries pay tuition fees, which cover the entire cost for the studies.
- The higher educational institution proposes a quota for admission to each study program provisionally authorized or accredited depending on the institutional structures' capacities for ensuring quality education, which is stated in the accreditation document of the program or institution. The admission quota planned shall be consulted with employers (professional associations in the field), correlated with labor market needs in specialists, and then negotiated with ME. The Government approves the admission quota proposed by universities in line with available resources in the budget. The



institution has the right to make the necessary corrections in the admission plan according to the number of candidates for admission to various programs.

- General admission requirements for candidates are formulated by ME in regulations approved by Government Decision and are applied to all cycles and programs in higher education. Each institution is free to set specific admission requirements for each program or group of study programs.
- Every year a framework methodology is applied by ME and each higher education institution shall develop and apply its own regulation on the admission requirements for the study programs offered.
- Admission is organized by each institution individually or in consortia. The Ministry of Education supervises the correctness of the admissions process.
- Registration to the competition for admission is usually done online. Each candidate can participate in the contest simultaneously in several study programs and more educational institutions.

- ***Admission procedures at cycles II and III***

- The contest for admission to master's degree is made based on the Bachelor diploma obtained at the respective Bachelor program. Graduates with professional Bachelor diploma can participate in the competition at the same training field after one compensatory year.
- Specific conditions for admission to Masters and PhD are determined by the university at study program level. The organization of admission to cycle II programs is the responsibility of the university, which determines own admission methodologies.
- Admission to doctoral studies is based on master or integrated studies diploma. The institution decides on admission to cycle III, sets the time and admission procedures. At doctoral level, admission is based on the Regulation developed by the Research Committee, which provides grants for the doctorate directly or through projects on a competitive basis.

- ***Admission to studies of foreign students***

No quotas on admission are imposed for foreign students, but the total number of students admitted is limited by the capacity of the institution regarding the program concerned. Admission requirements for cycle I and II for foreign students do not differ from those established for local students. The admission of foreign students is carried out by the universities' admission committees. Foreign students admitted outside intergovernmental programs pay tuition fees.

- ***Professional guidance of pupils and students***

Universities are autonomous in using various methods of professional guidance of domestic pupils and attraction of foreign students to study. The formation of students' contingent is the full responsibility of the internal structures of the university. A special role in accurate and objective information of pupils rests on the National Register of higher education institutions and study programs accredited by the state.

### **3.4.5. University autonomy regarding the recognition of studies**

By law, it is established that the number transfer study credits (ECTS) is the reference element that universities can use to recognize studies or periods of university studies previously legally conducted in the same fundamental area. Recognition of courses and programs is done in order to allow the transfer of credits for granting a qualification or admission to studies.

- The rules for the recognition of credits and study periods, made in another university in the country or abroad, shall be determined by the university and are constituent parts of the curricula of study programs.
- Studies performed in mobility programs are recognized on the basis of conclusion of trilateral agreements between the student, the home university and the host university. In normative documents of each university there are provided the migration rules from one program to another and from one form of education to another.
- The national authority (Ministry of Education) is responsible for the recognition of diplomas obtained abroad, for access to education or in order to promote a profession, which operates under the rules and requirements set by the Government.
- In the case of admission to studies, study documents and their eligibility is assessed by the institution to which the dossier is applied, based on information provided in the application and attached documents.

### **3.4.6. University autonomy regarding internal / external evaluation and accreditation**

#### ***3.4.6.1. Internal quality assurance structures***

– Quality assurance of education and university research is an obligation of the higher education institution. Each university develops its own internal quality assurance system: establishes internal quality management structures, determines the policy, the strategy of quality assurance. For accreditation, the presence of the quality management structure in the institution is a mandatory condition.

– The experience of European countries demonstrates the need and effectiveness of these structures. The organization, reporting and intervention vary from one university to another, but the strategic goal is the same.

#### ***3.4.6.2. Methodology, evaluation criteria, external evaluation procedures***

– Higher education institutions have the right to offer studies only at programs accredited or provisionally approved. For the external evaluation of study programs, the National Agency for Quality Assurance in Professional Education (ANACIP) is established as an autonomous public body, whose evaluation criteria are based on those defined in the European Guidelines „Standards and Guidelines for Quality Assurance in the EHEA”.

The accreditation of study programs and the institution as a whole is carried out by Governmental Decision on a proposal from ME after a positive opinion of ANACIP, relating to external evaluation.

ANACIP will develop a Quality Code that will include the methodology, procedures and criteria for external evaluation, with explicit descriptions and instructions. Based on this Code, every higher education institution will develop its own Quality Code, which will include all internal normative acts, organization methodology and internal evaluation criteria of study programs and research.

- The Ministry of Education shall develop and keep under control the Register of institutions and accredited or provisionally approved study programs. Higher education institutions will introduce in this register objective information about the programs and degrees offered. The register will be a landmark for objective orientation of pupils, employers and other stakeholders.

#### **3.4.6.3. *The right to select the agency for external evaluation of study programs***

- Higher education institutions are free to choose a foreign Evaluation Agency but on condition that it is included in the European Quality Assurance Register in Higher Education EQARHE.

#### **3.4.7. The university autonomy regarding the organization of the educational process**

The criterion refers to the freedom of higher education institutions to decide on the organization of the educational process, curriculum content, and the involvement in the process of actors from the business environment, organization of internships and on the organization of current and final evaluations.

- Higher education institutions are autonomous regarding the process of design of study programs and curriculum, organization of studies and internships, planning of current and final assessment procedures, the choice of mechanisms to support graduates in the process of employment.

- The rate of employment of graduates and their career advancement is a performance criterion of the study program and of the institution as a whole and will be included in the list of indicators for internal / external evaluation and accreditation.

- Institutions, independently, establish internal methodologies of calculation and distribution of teaching and research workloads.

#### **3.4.8. The university autonomy regarding the organization of scientific research**

This dimension highlights the rights of universities to organize autonomously university research structures, collaborate with business in scientific research organization, the involvement of students in the research and implementation of mechanisms to streamline the research activities of teachers.

#### **3.4.8.1. *University structures involved in the organization of scientific research***

- The education and research policy is defined and implemented by the Ministry of Education, University Research Council and the Quality Assessment Agency in education and research. Similar structures are found at faculties and departments with identical roles.
- Scientific research is an indispensable part of the training process of specialists with higher education. Research is focused in thematic departments and is funded from the state budget and projects, non-budgetary research grants.
- The university is autonomous in creating its own structures of organization and realization of scientific research: centers or laboratories, design units, consulting centers, university clinics, small production units, experimental stations and other production, knowledge and technology transfer units, integrated research, studies and business centers.
- There can be established temporary distinct research units that have autonomy and their own statutes approved by the university senate. The institutions decide themselves on the internal allocation of financial resources for research and doctoral programs.

#### **3.4.8.2. *Collaboration with business in organizing scientific research***

- The collaboration with business forms an important aspect of university research and is an essential condition for institutions. This collaboration is organized as competency centers, partnership associations, which are autonomous units, led by a board, whose members are representatives from trade, business and society; the board reports directly to the university management.
- It is also practiced the organization of profile research institutes specialized in the field of a faculty or school, combining research with the academic process (transfer of knowledge acquired by students).

#### **3.4.8.3. *Involvement of students in the process of scientific research, incentive mechanisms***

- The Scientific Master with duration of 90-120 ECTS is practiced in all European countries and serves as a starting point for doctoral studies. Master students are integrated into applied research so as to develop autonomously valuable scientific research at cycle III.
- Student involvement in research is regarded as a fundamental principle of university education.
- The special attention to doctoral students, young researchers is a strategic direction of universities, which provides a good basis for recruitment of academic staff and increases the research capacity of the institution.
- The funding methodology of universities favors student involvement in the scientific research process.

#### **3.4.8.4. *Scientific research of didactic staff***

- Usually, 40% of the annual workload of a teacher is scientific research, which is organized and accounted in the research group. Importance is given to the results, based on which the financing of university research is granted from state funds. Research conducted

by a teacher must correspond to the strategic plan of researches in the department, be appropriate to the study field representative for the department.

- 2-3 valuable publications in the country or international journals are mandatory.
- Development and implementation of a national information system of accounting and value appraisal of the results of scientific research conducted in universities.
- The state encourages research excellence of teachers through specific financial incentives: additional funding for institutional development, mobility grants for research at other universities in the country or abroad.

### **3.4.9. University autonomy regarding the organization of doctoral studies**

This dimension designates the rights of the higher education institution to organize doctoral and post-doctoral programs and offer the respective titles, autonomously define the types and duration of doctoral studies, to empower doctoral supervisors, to establish own rules of writing, presentation and defense of doctoral theses.

- ***The right to provide doctoral studies***

- The Ministry of Education / the Research Committee grants the universities the right to offer doctoral studies on the basis of the results of external evaluation of the scientific research carried out by it.

- ***Organization of doctoral schools***

- Doctoral studies are conducted in accredited doctoral schools organized by: a university, university consortia or partnerships legally established between a university or university consortium and research and development units so as to be optimally used the potential of the respective partners. The didactic activity carried out by doctoral students is compulsory.
- The empowerment with the right to supervise doctoral students is the responsibility of the doctoral school.

- ***Completion of doctoral studies, conferring the title***

- The university decides on the evaluation, grading and defense procedure of the thesis. For the defense, the faculty / school appoints two opponents, people with knowledge in the field, and a thesis examination and defense committee. The examination committee of the thesis includes 3 members, professors, one from the university and two from other universities. At least one of the members shall be from abroad.
- The examination committee makes the final decisions on grading thesis and awarding of the title of doctor. The title is confirmed by the University Senate.

- ***Post-doctorate***

- The organization of research within post-doctoral programs relates to the autonomy of the university organizing the program.

- ***The nomenclature of doctoral training areas***

- The nomenclature of training in areas is adapted to ISCED-F-2013 classifier and the Nomenclature approved for Bachelor and Master studies.

## **3.5. Autonomy of human resources**

### **3.5.1. Basic principles**

The legislative proposals developed under the EUniAM project are based on the following principles:

- The appointment, review and evaluation of academic and non-academic staff is the exclusive prerogative of the universities;
- The granting of titles, establishment career paths and levels, including procedures for obtaining the quality of tenure and conditions of appointment, including remuneration, subject to national legal requirements for all staff (academic and technical) is the responsibility of universities;
- Establishment of effective staff training and development programs;
- Distribution of academic workload / teaching load between (i) learning and teaching and (ii) research and knowledge transfer to support the mission of the university;

### **3.5.2. Freedom / capacity to decide on the procedures of recruitment and employment**

In accordance with legislative proposals developed under the project, higher education institutions are free to decide on the recruitment and employment procedures. This freedom will be exercised in such a way that it does not contravene to the general principles of labor legislation. Exercising the freedom of higher education institutions to decide on the procedures for recruitment and employment of staff should not limit the rights and freedoms guaranteed to employees and employers laid down in different normative documents. So, higher education institutions shall have the right to develop their own recruitment and employment procedures, establish internal bodies responsible for staff recruitment and employment and set their own employment criteria insofar as they do not conflict with national labor regulations.

#### **3.5.2.1. *Bodies responsible for recruitment and employment procedures***

Each institution has the right to develop its own procedures and to set up its collegiate bodies-structures responsible for employment procedures. The following powers will be assigned to this structure:

- a) implementation of human resources strategies and their adjustment to the overall strategy of the university;
- b) selection of the most optimal personnel policies and procedures for the recruitment, evaluation and maintenance of competent human resources;
- c) adjustment of recruitment procedures to the legal framework and labor market needs;



- d) periodic review of personnel procedures in order to ensure their sustainability and relevance.

Regardless of the existence of this structure, the rector of the institution is the employer, who concludes individual employment contracts and issues orders relating to staff.

### ***3.5.2.2. Methods and procedures for recruitment and employment. The approval / confirmation of recruitment / employment***

The competitions on employment have an open character and there can participate persons who fulfill the conditions for entering the competition, without any discrimination, under the law, and the Competition Methodology cannot contain discriminatory provisions concerning candidates based on gender, ethnic or social origin, citizenship, religion or belief, disability, political views, social or economic condition. The announcement of the vacant position must be made in the national media and when it is possible in the international media, its content being developed by the head of the subdivision where the employee will work, and coordinated with the department responsible for managing human resources.

### ***3.5.2.3. Types of employment and employment contracts***

- ✓ Establishment of four academic positions: university assistant, university lecturer, associate professor and university professor.
- ✓ The university assistant is a PhD student, who has three years at his/her disposal to obtain a PhD. He/she can be granted another year of grace, this period may vary depending on the research area. In this period, he/she is provided assistance by 1-2 mentors to facilitate his/her integration within the institution. Mentoring institution is regulated in particular by each institution.
- ✓ The university lecturer is employed on competition basis for a period of 5 years.
- ✓ After the expiry of five years, the position becomes vacant and enters the competition, and subsequently the employee can be employed for an indefinite period to the position of associate professor if he/she meets the employment terms.
- ✓ The associate professors is a function benefiting from employment for an indefinite period, but the function is evaluated regularly, and, in case of inconsistency, the employee may be fired or demoted to the position of university lecturer under this plea.
- ✓ The university professor is the culmination of the academic career and to be able to accede, there have to be established specific conditions approved at the institution level.
- ✓ The Rector is employed by the Governing Board and his/her candidacy is proposed by an ad hoc established committee. The Rector does not have civil servant status and his/her employment will not be approved by any hierarchical structure outside the institution. The conditions to participate in this competition are developed by the



Board taking into account the specificity of the institution. The term of office is 5 years, with the possibility of being renewed for a period of 3 years, but not more than two terms in the same institution. His/her dismissal is made by the same body that employed him/her.

- ✓ *Vice-rectors* are appointed by the rector, and their appointment does not require any approval, both internally as well as externally. The concrete number of vice-rectors shall be determined by each institution, as well as the specific conditions submitted to the post-holder. They have no civil servant status. The term of office of vice-rectors will coincide with the term of office of the rector. Their dismissal will be done by the rector. After the inauguration of the rector, he/she has 3 months at his/her disposal to appoint vice-rectors.
- ✓ *Deans* occupy this position on a competitive basis in the Faculty. After the selection of the employee, an employment contract for the managerial function will be concluded and will be signed by the rector. Deans may have in their subordination deputies – vice-deans based on the number of students at the faculty, who will be also employed in the same conditions as the dean. The appointment and dismissal of these is done by the rector at Dean's proposal. The same conditions (as for deans) will be established for the employment of *heads of chairs / departments*. Their main activity, as well as of the deans and vice-deans, will be devoted to administrative activities. At the competition for these positions can participate both employees within and outside the institution. The didactic activity of this kind of staff is not the core activity, the function of dean, head of chair / department being administrative.
- ✓ Non-didactic functions are filled under general conditions laid down by the Labor Code or based on institutional regulations.

#### **3.5.2.4. The personnel establishments of the institution**

- ✓ The elaboration of personnel establishments of the institutions is performed taking into account the study plans and number of students enrolled at the institution.
- ✓ Higher education institutions are autonomous in terms of this sub-criterion: approval is not required by any external authority.
- ✓ Elaboration of the personnel establishments is done based on the regulations developed by each institution according to its specificity and economic and financial situation.

#### **3.5.3. Freedom of institutions to decide on the promotion of employees**

Another legislative proposal of the project consists in the right of the higher education institution to decide on ensuring career evolution of personnel by passing into a higher professional grade, level or function.

### 3.5.3.1. *Evaluation of employees*

- ✓ Career promotion of staff in higher education institutions is performed according to internal evaluation procedures.
- ✓ ***The evaluation can be:***
  - periodical, which can be applied in relation to staff employed with employment contracts, concluded for an indefinite period;
  - intermediate, which applies to employees employed for a period of 5 years, at mid-term;
  - extraordinary, which is applied in the situation when there are some potential risks that an employee will not meet the necessary qualification requirements for the occupier of the position; non-qualitative performance of work obligations or breach of labor regulations, work discipline etc.
- **evaluation of employees development** represents that evaluation method of employees designed to identify certain problematic aspects of career development in order to improve the integration process in the higher education institution.
- Based on the evaluation results, the evaluation committee will formulate proposals regarding the remuneration of the evaluated didactic staff and can decide if the evaluated employee meets the conditions or not in order to accede to a higher position or to remain in office in the case of extraordinary or interim evaluation.
- ✓ No external authority supervises these procedures; the institution must take care that the evaluation procedures are in place taking into account the principle of non-discrimination and transparency.
- ✓ Students are guaranteed the right to free choice of courses and specializations, according to the educational plan in place. Students are considered partners of the institution and equal members of the academic community.
- ✓ Employees occupying managerial positions will be also evaluated, including the rector and vice-rectors. Similarly, the managerial activity of deans, vice-deans, heads of chairs, etc. will be evaluated.

#### ***Evaluation criteria. The academic staff***

The academic staff is evaluated on three components, as follows:

1. Teaching skills, which include the following factors:
  - implementing, developing and promoting a high level teaching;
  - promoting the engagement and interest towards the subject taught;
  - developing quality methodical materials etc.
2. Research work – includes the following factors:
  - publications at national and international level, both in terms of quantity and in terms of quality;

- citations in papers at national and international level, both in terms of quantity and in terms of quality;
  - abilities to apply to external research funds;
  - abilities to coordinate research activities etc.
3. Administrative work is evaluated based on the following factors:
- participation in the activities of various committees and management structures within the institution;
  - capacities of cooperation, understanding and appreciation by the colleagues from the subdivision he/she is part, skills to understand and manage career opportunities;
  - understanding the internal structure of the higher education institution and decision-making mechanisms.
4. Cooperation with external community is evaluated based on the following factors:
- cooperation with the external environment, the initiation of start-ups, etc.;
  - participation in the public life of the community, including through participation in public debates, appearances in the media etc.;
  - member in doctoral thesis defense committees outside the institution;
  - collaboration with national and international partners.

#### ***3.5.3.2. Visiting professors. The granting of honorary titles. Academic mobility of didactic staff and internationalization policies***

- ✓ Each institution has its own honorific titles and is autonomous in establishing their awarding criteria.
- ✓ The awarding methodology is approved by the Senate of institutions.
- ✓ The visiting professors teachers from higher education institutions in the country and abroad and from the business environment, who are invited at the initiative of the departments.
- ✓ Their employment can be for a shorter period of time, being preceded by a simplified process (not competition), but respecting the principle of non-discrimination.
- ✓ Each institution is entitled to develop its own policies, establishing mechanisms for staff motivation regarding academic mobility. These mechanisms shall take into account the type of mobility, the program the mobility is part of, as well as other elements.

#### **3.5.4. Freedom to decide on the workload**

The higher education institution is free to decide on the distribution of working time, work norms, accurate determination of work tasks that must be performed by a member of the academic community.

#### **3.5.4.1. The structure of the didactic / academic workload**

- ✓ The didactic workload of academic staff in higher education institutions consists of a total number of hours monthly distributed over one academic year.
- ✓ The working hours of academic staff must be planned within the department where the employee is working, following discussions with the head of department.
- ✓ The part intended for teaching activities is approximately 60% of the workload, and for research is 40%.
- ✓ Doctoral students / assistants benefit from full-time workload, of which the time allocated to teaching activities represents 15-25% of total working time, the rest being dedicated to the work on the thesis.
- ✓ The didactic staff benefits from reduced working regime due to increased psycho-emotional effort made in its activity. Institutions are autonomous in terms of annual distribution of working hours, this being in the competence of departments.

#### **3.5.5. Freedom of institutions to decide on the salary system**

The freedom of higher education institutions to decide on the remuneration system is manifested by their right to decide on the salary system, awards, setting of different salary increases depending on the complexity and volume of work performed by an employee.

##### **3.5.5.1. The salary structure**

- ✓ Shall be ensured a competitive salary level.
- ✓ Lecturers and associate professors are remunerated on the basis of a single tariff network, which requires equal payment for similar academic positions and does not depend on scientific degree or length of service performed by a particular employee.
- ✓ Professors will negotiate their salary.
- ✓ The salary can contain including a variable part.

The **variable part** of the salary consists of the following bonuses and salary supplements:

- management bonuses and allowances, paid as a percentage to the function salary
- loyalty bonus, which can range within the limit of 10-25% depending on years of service at the university;
- ✓ The remuneration of the management staff is performed according to the same methodology, the rector, vice-rectors shall benefit from the same salary bonuses as the rest of employees.

- ✓ The determination of the salary of rectors is the responsibility of Governing Boards within the limits established by special laws, by the founder (Parliament). Identical salaries are not set the same for all rectors of HEIs.
- ✓ The structures empowered to set salaries are collegial structures, which will include representatives of trade unions.

### **3.5.6. The freedom to decide on the termination of employment contracts**

The freedom to decide on the termination of employment contracts consists in the right of the institutions to decide on the termination of employees' labor relations (no regulation of grounds and reasons, which are mandatory rules of the labor law, but not to be necessary the approval of termination from any external body). The employment contracts of staff in higher education institutions in all five countries can legally terminate or on the initiative of either party.

#### ***3.5.6.1. Grounds for the termination of employment contract specific to higher education***

- ✓ The dismissal of employees in HEIs related to the fact that the employee did not pass the competition (was not elected by competition) is expressly regulated by the Labor Code, as well as the grounds for termination related to the unsatisfactory outcome of the evaluation procedure;
- ✓ The decision to terminate the labor relations does not require approval by any external authority;
- ✓ The establishment of a single retirement age of staff in higher education institutions.

#### ***3.5.6.2. Termination of employment contracts of managerial staff***

- ✓ The Governing Board is responsible for the termination of employment of staff with managerial functions.
- ✓ Rector's dismissal: non-approval of the annual report; fraudulent use of financial means; non-compliance with professional ethics and deontology. These grounds for termination of employment contracts will be also applied in the case of other managerial positions.

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## MOLDOVAN PARTNERS

- Technical University of Moldova
- State University of Moldova
- State University of Medicine and Pharmacy, „Nicolae Testemițanu”
- State Agrarian University of Moldova
- Academy of Economic Sciences of Moldova
- State University of Bălți „Alecu Russo”
- State University of Cahul „Bogdan Petriceicu Hașdeu”
- State University of Comrat
- National Council of Rectors of Republic of Moldova
- Ministry of Education of Republic of Moldova
- Ministry of Finance of Republic of Moldova
- Education and Science Trade Union
- National Council of Student Organizations of Moldova
- Chamber of Industry and Commerce of Republic of Moldova



Ministerul Educației  
al Republicii Moldova



Ministerul Finanțelor  
al Republicii Moldova



## EU PARTNERS

- Aalborg University
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